

By Mr. CURLEY:

H. J. Res. 299. Joint resolution requesting the President to use his good offices with the Prime Minister of Great Britain for the purpose of obtaining immediate and complete independence for the Irish Free State; to the Committee on Foreign Affairs.

By Mr. LEA:

H. Res. 598. Resolution requesting the Secretary of Commerce, through the Administrator of Civil Aeronautics, to make a survey of the need for a system of airports and landing areas throughout the United States; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COX:

H. R. 5033. A bill for the relief of Margery Anderson Bridges; to the Committee on Immigration and Naturalization.

By Mr. HÉBERT:

H. R. 5034. A bill for the relief of the estate of Francis A. Collins; to the Committee on Claims.

By Mr. KNUTSON:

H. R. 5035. A bill for the relief of the estate of John Kraemer and the estate of Michael J. Kraemer; to the Committee on Claims.

Mr. PAGÁN:

H. R. 5036. A bill to provide for the advancement on the retired list of the Army of Pascual Lopez; to the Committee on Military Affairs.

By Mr. SMITH of Wisconsin:

H. R. 5037. A bill for the relief of Fannah A. Fuller; to the Committee on Claims.

PETITIONS, ETC.

5858. By Mr. ANDREWS of New York: Resolution adopted by the Common Council of the City of Buffalo, N. Y., opposing the enactment of Senate bill 1385 introduced by Senator Aiken, of Vermont, for the construction of the St. Lawrence seaway and power project; to the Committee on Rivers and Harbors.

5859. By Mr. AUCHINCLOSS: Petitions of residents of Long Branch, N. J. and Red Bank, N. J., petitioning Congress to adopt the Marcantonio resolution; to the Committee on Foreign Affairs.

5860. By Mr. GILLETTE: Petition of 335 residents of the Fifteenth Congressional District of Pennsylvania in opposition to House bill 2082, prohibiting the manufacture, sale, or distribution of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5861. By Mr. HOLMES of Washington: Petition of sundry citizens of Yakima, Wash., urging consideration of House bill 2082, prohibiting manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of demobilization; to the Committee on the Judiciary.

5862. By Mr. KENNEDY: Petition of the Chamber of Commerce of the State of New York; to the Committee on Banking and Currency.

SENATE

FRIDAY, JUNE 16, 1944

(Legislative day of Tuesday, May 9, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou who changest not in a world so rocked and shaken, so filled with lamentation and clamor, a world swept by the whirlwind and riven by the earthquake, we would find the peace of Thy presence and of the still, small voice. In our dire need steal Thou upon our troubled spirits like the vesper calm of lingering twilight, like the gentle dew on parched ground; commission us as the servants of Thy righteous will and fit our spirits for that high role in this time on ages telling. Save us from the tragic mistakes of the past. Make us architects of a statelier temple of humanity where no child of Thine shall be kept back from the common altar of fellowship and where all kindreds are one before Thy searching eyes. As the fires of war are quenched give us the wisdom so to build that never again in blind folly will we choose foundations which are sinking sand and walls of tinder which will prove but rubble for the devouring flame. We pray in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 15, 1944, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4183) making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 2 and 6 to the bill and concurred therein, and that the House insisted upon its disagreement to the amendments of the Senate numbered 1, 3, 5, 7, 8, and 9 to the bill.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4837. An act to extend for an additional 2 years the suspension in part of the processing tax on coconut oil; and

H. R. 4967. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1945, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 2711) for the relief of Mrs. Mildred Maag, and it was signed by the Acting President pro tempore.

NATIONAL SERVICE LIFE INSURANCE

The ACTING PRESIDENT pro tempore (Mr. GILLETTE) laid before the Sen-

ate a letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to liberalize certain provisions of the National Service Life Insurance Act of 1940, as amended, which, with the accompanying paper, was referred to the Committee on Finance.

FREE PORTS FOR EUROPEAN WAR REFUGEES

Mr. MALONEY. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a letter and resolution which I have received from Rabbi Abraham J. Feldman, of the Congregation Beth Israel, and Mr. Maurice Hartman, president, Hartford, Conn.

The resolution urges the establishment of "free ports," whereby temporary haven may be provided for European refugees.

There being no objection, the letter and resolution were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE CONGREGATION BETH ISRAEL,
Hartford, Conn., June 14, 1944.
The Honorable FRANCIS MALONEY,
The United States Senate,
Washington, D. C.

DEAR SIR: We beg to transmit to you the enclosed resolution, which has been adopted by the Congregation Beth Israel, and we bespeak your earnest support of the matter dealt with therein.

Cordially yours,

Rabbi ABRAHAM J. FELDMAN.
MAURICE HARTMAN, President.

America was founded by refugees—by refugees fleeing from religious persecution and racial bigotry. This great Nation, conceived in liberty, has been peculiarly sensitive to the cry of its brothers' blood wherever and whenever they have been enslaved and persecuted. Particularly because of its deep religious heritage and character, believing that men are endowed by their Creator with certain inalienable rights—among these being liberty and the pursuit of happiness, and, above all, life—America has been the traditional haven of those who have been robbed of these precious possessions.

The hour has come when America must once again rise to this, her manifest destiny, when the God who led our early founding fathers to this richly dowered land is calling upon us to "bring forth the prisoner from the prison house and those that dwell in darkness from the dungeon."

We commend the President of the United States for his leadership and vision manifested in championing the cause of the afflicted, not only by words but by forthright deeds. Especially timely has been his recent creation of the War Refugee Board, which has already evidenced its sincere determination to rescue as many as possible of those victims of Nazi-ism otherwise marked out for wholesale slaughter in the plan of "free ports" advocated by the War Refugee Board, whereby temporary haven may be provided for those who would otherwise be murdered to the last man. We agree that America can do no less for these, our allies and fellow foes of Nazi-ism, than we do for our enemies who, as prisoners of war, are provided with at least such temporary sojourn and security. We appeal to the conscience of America to respond immediately to this suggestion of the War Refugee Board, and we call upon our Representatives in Congress, as well as upon all our fellow citizens, to save the lives of thousands, and even hundreds of thousands, otherwise destined for mass extermination, by setting up at once such "free ports," such islands of temporary rescue, upon the free and cherished soil of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Claims:

S. 1933. A bill for the relief of Mrs. Anna Runnebaum; without amendment (Rept. No. 982).

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

H. R. 3870. A bill to amend section 214 of the act of February 28, 1925; without amendment (Rept. No. 983);

H. R. 4033. A bill relating to the use of the penalty mail privilege; without amendment (Rept. No. 984);

H. R. 4517. A bill to remove restrictions on establishing post-office branches and stations; without amendment (Rept. No. 985); and

H. R. 4687. A bill relating to issuance of postal notes; without amendment (Rept. No. 986).

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. LUCAS:

S. 2005. A bill for the relief of Della O'Hara; to the Committee on Claims.

By Mr. McFARLAND (for himself and Mr. HAYDEN):

S. 2006. A bill for the relief of J. A. Davis; to the Committee on Claims.

By Mr. O'DANIEL:

S. 2007. A bill for the relief of Lum Jacobs (with accompanying papers); to the Committee on Claims.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H. R. 4837. An act to extend for an additional 2 years the suspension in part of the processing tax on coconut oil; to the Committee on Finance.

H. R. 4967. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1945, and for other purposes; to the Committee on Appropriations.

CHANGE OF REFERENCE

Mr. THOMAS of Utah. Mr. President, House bill 4624, to consolidate and revise the laws relating to the Public Health Service, and for other purposes, came to the Senate from the House of Representatives and was referred to the Committee on Commerce. A similar bill was introduced in the Senate some months ago and was referred to the Committee on Education and Labor which has given much consideration to it. By arrangement with the chairman of the Committee on Commerce, I now ask unanimous consent that the Committee on Commerce be discharged from the further consideration of House bill 4624 and that it be referred to the Committee on Education and Labor.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Utah? The Chair hears none, and the change of reference will be made.

INVESTIGATION OF ACTIVITIES OF POLITICAL ACTION COMMITTEE OF THE C. I. O.—AMENDMENTS

Mr. TUNNELL submitted sundry amendments intended to be proposed by him to the resolution (S. Res. 298) to investigate the activities of the Political

Action Committee of the Congress of Industrial Organizations (submitted by Mr. BUTLER on May 31, 1944), which were referred to the Committee on Privileges and Elections and ordered to be printed.

COMPENSATION OF TEMPORARY CLERK, COMMITTEE ON PUBLIC LANDS AND SURVEYS

Mr. HATCH submitted the following resolution (S. Res. 311), which was referred to the Committee on Public Lands and Surveys:

Resolved, That the compensation of the assistant clerk employed by the Committee on Public Lands and Surveys under Senate Resolution 245, Seventy-seventh Congress, as continued by Senate Resolution 307, Seventy-seventh Congress, shall hereafter be at the rate of \$1,800 per annum, and \$1,500 additional so long as the position is held by the present incumbent.

REPORT OF THE COMMISSION OF FINE ARTS (S. DOC. NO. 204)

Mr. BARKLEY. Mr. President, on the 1st of June this year the President sent to the Congress the Fourteenth Report of the Commission of Fine Arts for the period from January 1, 1940, to June 30, 1944. Heretofore those reports have been printed as Senate or House documents, including the illustrations. It is a very valuable publication. I ask unanimous consent that the report to which I have just referred be printed as a Senate document, with illustrations.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

DEMOCRACY IN ACTION—ADDRESS BY SENATOR O'DANIEL

[Mr. O'DANIEL asked and obtained leave to have printed in the RECORD a radio address entitled "Democracy in Action," delivered by him on June 15, 1944, which appears in the Appendix.]

PLATFORM ISSUES: LABOR AND INDUSTRY—ARTICLE BY WENDELL WILKIE

[Mr. HATCH asked and obtained leave to have printed in the RECORD an article entitled "Platform Issues—Labor and Industry," written by Wendell Willkie, and published in the Washington Post of June 16, 1944, which appears in the Appendix.]

KEEP PRICE CONTROL—EDITORIAL FROM THE NEWARK EVENING NEWS

[Mr. WALSH of New Jersey asked and obtained leave to have printed in the RECORD an editorial entitled "Keep Price Control," published in the Newark (N. J.) Evening News of June 12, 1944, which appears in the Appendix.]

ACTION OF WAR LABOR BOARD WITH REFERENCE TO IDAHO POTATO HANDLERS

Mr. THOMAS of Idaho. Mr. President, a recent issue of the Idaho Daily Statesman, published at Boise, Idaho, includes in its editorial a letter from Mr. E. T. Taylor, master of the State grange, commenting on the War Labor Board's action against the Idaho potato handlers. I send the editorial to the desk and ask that it be read.

The ACTING PRESIDENT pro tempore. Without objection, the editorial will be read.

The legislative clerk read as follows:

THE GRANGE MASTER SPEAKS LOUD

The recent War Labor Board action against Idaho potato handlers has drawn this caustic editorial comment from E. T. Taylor, State grange master, in the Idaho Granger:

"Agriculture has been put into more difficulty over farm-labor matters than any other one problem.

"The draft has hit us exceedingly hard and is crippling us now in a terrific shape. Farms are being stripped of the last boy and the answer seems to be, the boy can be replaced on the farm but not in the Army.

"So the boys are going.

"Also, right now, war industries are canvassing the farm territory, running large ads in the papers, and blasting the radio time with appeals for help in war plants at wages far beyond anything the farmer can pay. The Government is paying these exorbitant wages in cost-plus contracts, and all that is left for us to do is to work harder, work longer hours, and pay and pay and pay.

"But now comes a matter that should be brought to the attention of every grange in Idaho.

"It is the prosecution by the War Labor Board of the potato handlers of Idaho, on the charge that they paid more for help than the War Labor Board said they could pay.

"In other words, with potatoes facing freezing in the late fall, the war industries taking away all of the available help at wages higher than the potato people were allowed to pay, it just simmered down to the proposition of the potato people setting back and letting the potatoes of the farmers freeze, or of their going out and getting some help to save the crops."

The enclosed statement, put out by the Idaho traffic association covers the story of servants of the farmers being prosecuted, fined, and facing imprisonment because they fought to save farmers' potatoes.

The State master is sending this out for the information of every granger in Idaho.

When things come to a pass such as this case presents, the time has come for every farmer and every farm organization to rise up and fight.

The handling of the labor situation in the United States is one of the greatest blots on our war effort. There is no use for farmers to raise produce, if and when it is raised, some Federal bureau through its bureaucrats, can destroy the farmers' year's work by rulings such as cover the case of the Idaho potato industry.

The present strike of the truckers is another case in point. Idaho farm products are spoiling in large quantities due to the fact that strikes in wartime are stopping the movement of our food products.

The farmer hasn't sabotaged the war effort. The farmer hasn't gone on strike.

The farmer hasn't been a traitor and let our boys down.

The farmer hasn't stabbed the boys in the back and held up the movement of needed food and supplies to the front.

The farmer has done his level best.

The farmer hasn't worked 40 hours a week and got time and one-half overtime.

The farmer, his wife and his children have worked 80 hours a week while he has been lambasted, slashed, and kicked around.

Floors have been kicked out from under his hogs and chickens.

He has produced to the limit and beyond at the request of bureaus that don't know the difference between a hog and a kangaroo, and then, when the inevitable occurs—and the incompetents find themselves with a lot of produce they asked for, on their hands—then—like the War Food Administration says, "We may have misled the farmer."

Montgomery Ward, the Idaho truckers' strike, the Idaho potato handlers' arrests—

all add up to one answer. It is one and the same in each case:

American liberty is in jeopardy.

FAIR EMPLOYMENT PRACTICE COMMITTEE—NOTICE OF INTENTION NOT TO PRESS AMENDMENT

Mr. DANAHER. Mr. President, yesterday I gave notice of intention to move to suspend the rule in order that I might offer an amendment to H. R. 4879, dealing particularly with the Committee on Fair Employment Practice. Legislation on the appropriation bill could be considered only under suspension of the rule. I took that step yesterday to the end that we might protect the record, for it was my belief that should the situation on the floor as a matter of parliamentary tactics require that we seek substantive legislation with reference to the continuation of the Committee on Fair Employment Practice, I wished to be in position to do so. For certainly some 26 or 28 years I have been acquainted with Mr. Malcolm Ross, chairman of that committee. I believe him to be an honorable gentleman who has been seeking to achieve a most laudable objective.

Accordingly, I conferred with Mr. Ross at various times on the telephone yesterday with reference to the subject. I left it to his decision in the course of my last conversation with him as to whether or not I should pursue my intention to move to suspend the rule and offer the amendment which is on the desk of Senators. He has finally concluded that we need not take that step and, because I have left frankly and candidly with him the ultimate decision as to whether the amendment I contemplated would protect the objectives which he is seeking to accomplish and in which I concur, I am willing to abide by his judgment.

I make this statement to the end that my colleagues in the Senate may know that I shall not pursue the motion to suspend the rule, and therefore will not offer a substantive amendment.

I had two thoughts in mind when the matter was first canvassed, Mr. President. One was born of the fixed belief that if we are to attempt to do justice in the peace to come among the peoples of the world we very properly might begin to try to do justice among our own people. Certainly, there has been discrimination on a racial basis; there has been discrimination on the basis of creed and national origin or ancestry right here in the United States of America. Where all our citizens are presumed to have equal rights, rights which we would regard, rights which we would protect, and for the maintenance of which Mr. Ross has struggled manfully, in my judgment, through the operations of the Committee on Fair Employment Practice, all steps should be taken, so far as we can take them, to eliminate such discrimination.

Thus, Mr. President, since the Committee has hitherto functioned under Executive order only, were we to give it a statutory status at this time, there would clearly be removed from this debate whatever objections might be offered by the Senator from Georgia or others who have taken the lead in opposition to the continuation of the Committee on Fair

Employment Practice as we would place its status on a legislative basis.

The second thought I had in mind with reference to the subject stems from the fact that there is before the House Committee on Labor at the present moment a bill which would place the Committee on Fair Employment Practice on a substantive or statutory ground. Since hearings are in process, in fact Mr. Ross is there testifying at this very minute, I believe, and other witnesses are also appearing, in furtherance of some such principle of legislation, if not necessarily committed to the exact details of the pending bill, I thought we might correlate a similar statutory program here with that, pursuing its legislative course through the other House. If adopted, my amendment could then go to conference and an adequate basis for continuation of the committee would be established.

The amendment which I prepared, following part of the House bill, would have permitted the transfer to the commission to be created under the statute of whatever funds might be appropriated in the pending bill to the Committee on Fair Employment Practice. Thus the functions and operations of the committee, and all unexpended balances which would be provided under House bill 4879, would be transferred to the Commission to be permanently authorized by the statute. It now appears that process can be achieved anyhow, Mr. President, if we act favorably when the House sends to us the bill upon which it is now working. Hence I need not offer the amendment, Mr. Ross feels, and I agree.

Mr. President, it seems to me that the objectives of achieving freedom from discrimination in employment practices in this country are essential to the well-being of our country. It seems to me fundamental that any lack of appreciation of these problems, and a failure to work out an adequate solution for them, will not only result in our not achieving the maximum of war production and the development of commerce throughout the country, but actually will constitute a burden upon our manpower problem.

As practical men, we cannot ignore the fact that out of our experience we know that discriminations have existed. We can not blind ourselves to the fact that among our colored people, for example, it is idle to talk of opportunity, when we educate them through the finest of our schools and then say, "Here is a job as a shoeshine boy or an elevator operator." Surely that is not to be the answer.

As practical men we know that discriminations are practiced against American citizens on the basis of their creed, or their national origin, or their ancestry. I respectfully suggest that those discriminations cannot possibly be met solely by statute, in the sense that we cannot legislate ethics into our people. But we certainly can take steps to try to remove such discriminations through the mediatory services of some such agency as the Committee on Fair Employment Practice. To that end, Mr. Ross has devoted the efforts of his committee to date. To the objectives which he would achieve I subscribe wholeheartedly.

Mr. President, since it is my duty to return to the conference committee which is considering the House and Senate versions of the Emergency Price Control Act and the Stabilization Act, I wanted to make this statement, that our colleagues might know of my views and reasons for the course I have described.

Mr. BILBO. Mr. President, will the Senator from Connecticut yield?

Mr. DANAHER. I yield the floor.

Mr. BILBO. I merely wish to make an observation about the Senator's statement with regard to Mr. Ross, who presides over the Fair Employment Practice Committee. I note the Senator's very warm and gracious words of commendation with respect to Mr. Ross' ideal to eliminate any discrimination which may seem to be evident on account of race, creed, color, or other condition.

How does the Senator explain Mr. Ross' pursuit of his ideal to eliminate discrimination when he forms a committee and so brazenly discriminates against the white race by making the personnel of a committee of about 115, two-thirds Negroes and only one-third white, in a population where there are only 12,000,000 Negroes to about 125,000,000 whites? How does the Senator explain that conduct on his part?

Mr. DANAHER. I assume, without an intimate knowledge of the facts and of the mental processes of Mr. Ross in that respect, that he sought qualified men, that he sought those who could work among their people; that if there are colored folks who are being discriminated against, and able, qualified colored representatives can be found to work among them, it would be to the advantage of all of us.

I would believe, therefore, that he has taken men who are amply capable and competent to achieve the results which should be achieved, and which he sought to accomplish; if, therefore, he has found colored men and colored women whose services could be availed of, I assume that he turned to them to serve where need existed, that an opportunity for the betterment of such conditions might be developed.

Mr. BILBO. If the Senator, as a white man, is willing to admit that no members of his race are qualified to fill these positions, then I have nothing further to say.

Mr. DANAHER. Mr. President, never was there a more flagrant non sequitur stated on this floor. I do not admit for one moment that white men are not qualified to do that sort of thing. They are qualified and are so serving. I do say that if there are colored men who are also qualified, Mr. Ross is perfectly justified in engaging them.

Mr. BILBO. I think the Senator will find that in the long run Mr. Ross' action is quite as much discrimination as what the Senator seems to think there may be on the other side, and that it is still a question of qualification.

PEACE IS NOT A PARTISAN ISSUE

Mr. DAVIS. Mr. President, the winning of the peace, like the winning of the war, is the solemn duty of every American man and woman. It is a duty

which transcends all personal considerations. Above all, the winning of the peace is not now and should never become a question of partisan politics. Any attempt on the part of any man or any group to inject politics into this sacred and all-encompassing objective should be frowned down by the American people.

This is no time to threaten the future peace of the world by telling half-truths, by making false promises, or by attempting to recast old events into a modern setting. The era of the past is dead. We must look to the era of the future with unity of purpose and unity of action.

Mistakes of policy and action have been made by both parties in the past, but this is no time to divide our people with acrimonious debate over which party has made the more costly errors. It will take all the ingenuity and determination we can muster to win the peace, just as it is taking all the ingenuity and determination we can muster to win the war, and we must not dissipate our energies and menace our unity by resorting to vitriolic partisan battles which in the end will accomplish nothing.

Today there is scarcely a man or woman in America who is not wholeheartedly in favor of America's full participation in the creation and maintenance of a system of world peace that will put a stop to recurring wars among the nations of the world. This virtual unanimity has been reflected in the actions of the Congress and in the conduct of our major political parties. Vital war measures have passed both Houses by overwhelming majorities, and the vote has never been divided along party lines.

The Connally resolution in the Senate and the Fulbright resolution in the House of Representatives were endorsed almost unanimously by both parties. At the present time the State Department is co-operating with bipartisan committees in both Houses on the issues of peace, and, according to latest reports, substantial progress is being made. Such cooperation as this must be continued, but it can be continued only if partisan quarrels are not permitted to interfere.

During these times, when the finest of American manhood is marching resolutely into battle, when thousands of American lives are being sacrificed on the beaches of France, in the islands of the Pacific, and in the peninsula of Italy, we here at home should not break the faith.

Maintaining that faith requires that we at home unite in building up a sound system of peace in order that neither those who are now fighting nor those who will come after them shall ever again be obliged to march with the rolling drums of war.

This we must do if we are to keep faith with the millions who will return from this war in victory. This we must do if we are to keep the faith with those countless thousands who will not return, whose lives have been sacrificed in the name of humanity and in the cause of peace.

They who would raise the bitter quarrels of past political history would break this faith, and endanger the future peace and progress of all mankind.

RELATIONS WITH LATIN AMERICA— LIMITATION OF PRESIDENTIAL TERMS

Mr. BUTLER. Mr. President, hardly a day passes that some distinguished American citizen or representative from a Latin-American country does not come to my office and, in effect, confirm the reports which I filed with the Senate last December and in January. But during the time many commentators of note in this country have taken the opposite side and have made very violent statements in opposition to what I have had to say. There has been, however, a tendency of late for them to come around and agree, at least in a general way, with the reports which I made to the Senate. Only this morning Drew Pearson, in his column entitled "The Washington Merry-Go-Round," has something to say which I should like to read, Mr. President. The paragraph is as follows:

NOT SUCH GOOD NEIGHBORS

Insiders have known for some time what Dr. Hernane Tavares blasted loose last week—that good-neighbor relations with Latin America were slipping. The slip started when Sumner Welles got out of the State Department. He had a sixth sense about pan-American good will, watched the little things such as the speech Secretary Knox almost made telling Brazil how we were going to keep Brazilian bases after the war. * * * Lend-lease and Rockefeller propaganda won't buy friendship. Friendship is a job you have to work at. * * * Brazilian Foreign Minister Oswaldo Aranha has taken advantage of United States failure to lead by becoming the new leader of Latin America. He has put Brazil into the one-time position of the United States of America. * * * What gripes Latins most is talk of our keeping troops on their soil after the war. They let United States troops on their soil as a matter of courtesy but, after the war, the want 'em off. All the boats and guns in the hemisphere won't buy those bases.

Mr. President, upon the reconvening of the Senate after the recess, I shall press for public hearings upon pending resolutions to limit the tenure of the Presidency to two 4-year terms, or one of 6 years.

I consider that we have tarried too long now in submitting to the States for ratification a constitutional provision that would root out of our Government the newly sprung weed of possible permanency in the White House that can destroy representative Government.

Such action becomes particularly timely at this time when the ex-political boss of St. Louis, now chairman of the New Deal's national committee, says publicly that he would be for a fifth term for Mr. Roosevelt.

However, the proposed amendment goes far beyond the incumbent in the White House. Franklin D. Roosevelt will, perhaps, be out of office in January. But if we wish to preserve responsible government we must tie down by law the assurance that some succeeding President will not be equally ambitious to start running, as soon as he is elected to a first term, for a fourth or a fifth term.

The precedent established by President Roosevelt must be ruthlessly destroyed.

Every person who has observed the course of our history knows that too often the first term of Presidents has been used as a build-up for the traditional second term. Now, inevitably, unless Congress and the States act, many succeeding Presidents may use the first two terms to prepare for a third. And, even further, since President Roosevelt has shown by his recent anxiety his determination to remain in office as long as possible, others may feel that all precedent against limitation is gone.

Yet we read in the newspapers almost daily the statement that the courts have taken such and such a position because most of the judges are New Deal appointees. The now proven fact, that extended tenure in the White House brings the courts into subservience to the Executive, is of itself sufficient reason for limitation.

The people have been partially able to extract the Congress from the role of a "rubber stamp" for 1600 Pennsylvania Avenue. But only time can reclaim the independence of the courts where judges are appointed for life.

We of Congress, giving leadership to the States, can insure that this shall not happen again.

FELICITATIONS TO JOHN CROCKETT ON HIS EIGHTIETH BIRTHDAY ANNIVERSARY

Mr. GILLETTE. Mr. President, a citizen of my State of Iowa once said that of all that is good Iowa affords the best. I will admit that that sounds somewhat on the boastful side, but from time to time facts are brought to our attention which give some color in support of that statement, and I have risen to mention one today.

Thirty-seven years ago there came from Iowa to Washington a very fine citizen of that State, a man with a strong voice, a strong constitution, a strong and high sense of public duty, and a strong character. He was known by the name of John Crockett. He has served the Senate continuously during these 37 years. Tomorrow he will have attained the age of three score years and twenty. He is still serving the Senate faithfully. I know he is embarrassed by the fact that I have risen and mentioned his name, but 37 years of continuous service in the Senate during many administrations, a service so creditable as that rendered by Mr. Crockett, is entitled to recognition by a few words spoken on the floor.

Mr. President, I want to extend to Mr. Crockett on behalf, I am sure, of every Member of the United States Senate, past and present, in the last 37 years, our felicitations on the occasion of the eightieth anniversary of his birth, which will be tomorrow, and to express our sincere hope that he will continue to serve his country and the Senate for 37 years more.

Mr. WHITE. Mr. President, in behalf of the minority I voice complete concurrence in the words uttered by the Senator from Iowa. It happens that I have known Mr. Crockett personally for many, many years, even for long years before I came to the Senate. I have known of his great industry, his faithfulness,

his great desire at all times to accommodate and to assist Members of the Senate as they have come and gone in the years gone by. He has always been kindly, courteous, efficient, and helpful, and Members of the Senate on this side of the aisle have for him affection and great respect.

Mr. McKELLAR. Mr. President, I wish to join in the congratulations being extended to Mr. Crockett.

If I may go back for quite a long time, I will tell the Senate how I first met John Crockett. Way back in 1912 or 1913, the latter part of Taft's or the early part of Wilson's administration, I was a Member of the House and had in tow a bill I had introduced for the construction of a bridge across the Mississippi River at Memphis, which bridge is still in existence and doing good service and has been in operation ever since it was built. The Senate passed the bill; and in order to get it to the President before the adjournment of Congress it was necessary to exercise very great haste. After the bill was passed, making me the happiest man in the world, the then President pro tempore of the Senate, the Honorable James P. Clarke, of Arkansas, and himself one of the handsomest and also finest Senators I ever knew, and my warm personal friend, told me that he would have Mr. Crockett take it over to the House at once. He introduced me to Mr. Crockett from where he sat in the Vice President's chair. Mr. Crockett sat at the same front desk where he now sits. That was 33 or 34 years ago—a long time. But I have never forgotten Senator Clarke's introduction and eulogy of Mr. Crockett. Senator Martin, of Virginia, Democratic leader at that time, also praised him to me. At that time Mr. Crockett was, as he has been ever since, one of the finest-looking men I have ever seen. He wore a long Prince Albert coat, which fit him perfectly and was most becoming. I went with him, as the President pro tempore told me to do, to the office of the Secretary of the Senate, and walked over to the House with him.

Champ Clark, the father of the present Senator from Missouri, was Speaker of the House. I can see Mr. Crockett now, bowing low and addressing the Speaker in the most dignified way, "Mr. Speaker—". He could have been heard over here. His was not a harsh voice. It was magnificent. With perfect enunciation, he presented the bill to the House. His courtly manner was perfect.

From that time on, for about a third of a century, Mr. Crockett and I have been the warmest and best of friends. I have never known him to do an ungracious act or utter an improper word. He is the highest order of a gentleman at all times and under all circumstances.

I think he is one of the most faithful, efficient, and honest employees this Government has had during the 33 years I have known him. He has every good quality that a real man ought to have. I know of no good quality that he lacks. He has no bad habits. He is a man of the highest honor and integrity, a man whom I love very much. It gives me the

greatest pleasure to have a word to say in his honor here today on the eightieth anniversary of his birth. I deem it a great privilege to be able to say what I have said, and to wish for him many more years of usefulness in this body. The Senate never had a worthier, higher-minded, more efficient, or better representative, and I wish him many, many more years of usefulness and service to the Senate and to our beloved country. I believe all Senators honor and respect and love him. I do in the highest degree. Personally he is one of the most lovable and delightful men I ever knew.

Mr. BARKLEY. Mr. President, it seems incredible to me that tomorrow John Crockett will celebrate the eightieth anniversary of his birth. The only way he could prove that to me would be to present his birth certificate. If he is that old, he was born before birth certificates came into fashion. Therefore he would probably never be able to prove to me that he is 80 years old.

I recall when as a young man I was elected to the House of Representatives, longer ago than I like publicly to admit. It was during the Wilson administration. There had been a landslide due to conditions which existed in 1912. The Democrats had swept the House and the Senate, both of which needed to be swept after long tenure in office of the opposition party.

John Crockett used to come over to the House and deliver messages from the Senate. As the Senator from Tennessee has said, he had then, and still has, one of the most magnificent voices with which any man was ever blessed. Whenever John Crockett presented even the most prosaic, routine, or inconsequential message from the Senate to the House, he did it with such dignity, fullness of tone, and roundness of voice that the House always broke out in applause. He was the envy of all of us young Members of the House, by reason of his magnificent voice and presence. That has been nearly 32 years ago. I believe he had then been in the service of the Senate for 5 years.

I can agree with everything good that anyone could say about him personally or officially. I have never heard any human being say ought about him that was not good. If he is 80 years old—and I have no proof to the contrary—having served the Senate for 37 years, I hope he will live to be 100 years old, and still have the magnificent voice, the charming personality, and the sterling character which he has always possessed, and will still be the Chief Clerk of the Senate.

I felicitate him upon attaining 10 years beyond the Biblical allotment of life. If he were to write a book containing all the things which he has observed and heard and come in contact with in the past 80 years I am certain that it would be a valuable historical contribution to the knowledge of the American people and of the world, and would shed much light upon the processes of legislation.

It is an honor to be associated with such a man. It is a credit to the Senate that it has retained his services for all

these years, regardless of political changes in the Senate and in the administration of our Government. It makes me proud to be an American when I see such men taken at their real worth, and see their services retained by appreciative men, without regard to political distinction.

I wish for Mr. Crockett continued long life. I am really sincere when I say that I hope he will round out the century, because that is what I myself am planning to do before I "shuffle off this mortal coil." I should like to be associated with him in that century of life, which I hope in both cases may be regarded as of some use and value to the country.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names.

Alken	Gerry	Pepper
Austin	Gillette	Radcliffe
Ball	Gurney	Reed
Bankhead	Hatch	Revercomb
Barkley	Hawkes	Reynolds
Bilbo	Hill	Robertson
Brewster	Holman	Russell
Bridges	Johnson, Cgo.	Shipstead
Buck	Kilgore	Stewart
Burton	La Follette	Taft
Bushfield	Lucas	Thomas, Idaho
Butler	McClellan	Thomas, Okla.
Byrd	McFarland	Thomas, Utah
Capper	McKellar	Truman
Chavez	Maloney	Tunnell
Connally	Maybank	Vandenberg
Cordon	Mead	Wagner
Danaher	Millikin	Walgren
Davis	Moore	Walsh, N. J.
Downey	Murdock	Weeks
Eastland	Murray	Wherry
Ellender	O'Daniel	White
Ferguson	O'Mahoney	Wiley
George	Overton	Willis

Mr. HILL. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senators from Nevada [Mr. McCARRAN and Mr. SCRUGHAM] are absent on official business.

The Senator from Florida [Mr. ANDREWS], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Kentucky [Mr. CHANDLER], the Senator from Idaho [Mr. CLARK], the Senator from Missouri [Mr. CLARK], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Arizona [Mr. HAYDEN], the Senator from Indiana [Mr. JACKSON], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from Massachusetts [Mr. WALSH] are detained on public business.

The Senator from North Carolina [Mr. BAILEY] and the Senator from Montana [Mr. WHEELER] are necessarily absent.

Mr. WHERRY. The Senator from Illinois [Mr. BROOKS], the Senator from North Dakota [Mr. LANGER], the Senator from North Dakota [Mr. NYE], and the Senator from Iowa [Mr. WILSON] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The ACTING PRESIDENT pro tempore. Seventy-two Senators having answered to their names, a quorum is present.

CONSERVATION OF FUEL

Mr. MEAD. Mr. President, I have before me a copy of a press and radio release issued recently by the Navy Department, in which appear excerpts from a letter written by the Secretary of the Navy, James Forrestal. The able Secretary of the Navy calls attention to the imminent fuel shortage which will confront the Nation during the coming winter.

On several occasions I have called attention to the fact that we are exhausting our stock pile of fuel. It is very unusual for us to be doing so at this time of the year when it is customary to replenish it. The situation indicates that the Northern States will suffer from a severe shortage of fuel, and that unless something is done about it the suffering will be serious. The Navy Department release states as follows:

Conservation of all types and kinds of fuel—solid, liquid, and gaseous—by naval shore establishments throughout the United States is imperative.

The Secretary is quoted in the release as follows:

A critical supply situation already exists, and it is anticipated that it will become increasingly difficult to meet the deficit in actual wartime demands from outside sources. This is particularly true in the States of Oregon and Washington.

In the Appalachian area (New York, Pennsylvania, Maryland, Virginia, West Virginia, and eastern Ohio) the supply of natural gas is particularly critical.

Along the Atlantic seaboard it is anticipated that during the next heating season the supply of screened or prepared sizes of bituminous and anthracite coal will be extremely short.

The release continues:

Constant coordination with the appropriate fuel agencies in Washington, and the proper selection of the most available fuel is vital, Secretary Forrestal pointed out. He also stated that all shore activities must take appropriate action immediately to place all heating and power plants in condition for efficient operation.

Mr. President, a few days ago Secretary Ickes called attention to this problem, as did also Dr. Potter, Deputy Solid Fuels Administrator for War. I hope that the Governors of the several States, the mayors of the various cities, and the heads of the Federal agencies will follow the splendid example which has already been set by the Secretary of the Navy.

I ask that the release be printed in the RECORD at this point as a part of my remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE NAVY JAMES FORRESTAL SAYS CONSERVATION OF FUEL IS IMPERATIVE AT NAVAL SHORE ESTABLISHMENTS

Conservation of all types and kinds of fuel—solid, liquid, and gaseous—by naval shore establishments throughout the United States is imperative, Secretary of the Navy James Forrestal said in a letter to all naval shore establishments.

The Secretary stated that drastic measures to conserve fuel were necessary because of the critical shortages brought on by increased requirements for industrial power, movements of increasing quantities to the expanding theaters of war, a decrease in production in some areas and, in some instances, insufficient transportation facilities.

"On the Pacific coast the demand for oil is much greater than the producing ability of the supplying oil well areas," the Secretary's letter said. "A critical supply situation already exists, and it is anticipated that it will become increasingly difficult to meet the deficit in actual wartime demands from outside sources. This is particularly true in the States of Oregon and Washington."

"In the Appalachian area (New York, Pennsylvania, Maryland, Virginia, West Virginia, and eastern Ohio) the supply of natural gas is particularly critical."

"Along the Atlantic seaboard it is anticipated that during the next heating season the supply of screened or prepared sizes of bituminous and anthracite coal will be extremely short."

Constant coordination with the appropriate fuel agencies in Washington, and the proper selection of the most available fuel is vital, Secretary Forrestal pointed out. He also stated that all shore activities must take appropriate action immediately to place all heating and power plants in condition for efficient operation.

REGIMENTATION RAMPANT

THE FARMER

Mr. MOORE. Mr. President, a few days ago I received a letter from the president of the board of agriculture of a southwestern State. The writer of the letter is a Democrat. The Governor of his State is a well-known top-flight new dealer. The letter is a significant reaction of the farmers to the present administration's agricultural program, which has resulted in an almost complete destruction of the constitutional rights of the States. It is indicative of the deep-seated public yearning to recapture constitutional freedom and terminate once and for all totalitarian government in America. Among other things, this Democratic officeholder observes:

"There is a growing feeling in the State that the State's rights are continually and increasingly being usurped by the Federal Government. Naturally this has been helped by the war emergency, which makes it necessary for the Federal Government to step in and do things that it would not ordinarily do in peacetime, but I hear increasing complaints from the farmers as to Federal agencies not only usurping the rights of the State but also of the farmers, thereby killing their independent spirit. Hundreds of farmers have asked me personally, and have written to me saying that they wished the State had a part in administering the several agricultural programs so that they could be administered more carefully and accurately. They complain constantly about red tape."

Following are some of the suggestions which this State official tells me are coming from farmers all over his State:

First, Cotton classing, which is now being done by the Federal Government, should be done at least cooperatively with the State department of agriculture.

Second, All marketing and grading of agricultural commodities should be su-

pervised by representatives of the individual States, who will control programs.

Third, Members of committees should be persons other than Federal employees. All county war boards should have persons on them who are not employed and paid by the Federal Government, thereby having a membership whose judgment would not be biased by Federal dictation.

Fourth, All comments finally resolve into one general feeling, namely, that where it is necessary for the Federal Government to aid financially, it ought not to necessitate controlling the finances, but should be given to State committees and administered without Federal dictation.

Fifth, There is also a strong indication that the people feel that the United States Department of Agriculture is trying to bypass the States in carrying on agricultural programs, and that they feel that the State should be a part of every one of these programs that are necessary. They feel the only way to remedy this is to reduce the appropriations of the United States Department of Agriculture so that they will not have so many employees out in the several States.

Sixth, They also feel, and in this I heartily concur, that the United States Department of Agriculture should be a policy-making division of our Federal Government, and that it should be done in cooperation with the States' agricultural programs, leaving the administration of the States' program in the hands of the States' authorities on a cooperative basis.

This gentleman goes on to say that in his opinion:

As soon as the war is over there will be a general reaction to Federal control and a definite swing toward States' rights, and frankly—

He says—

I hope that this condition prevails.

The last report of the Joint Committee on Reduction of Nonessential Federal Expenditures, of which the distinguished Senator from Virginia (Mr. BYRD) is chairman, discloses more than 80,000 employees in the Department of Agriculture. Those employees are swarming through the States directing and ordering our rural population about in total disregard to State laws and the State agricultural programs. Every activity down to the very personal lives of the farmers of the country has been regimented to the nth degree. They resent it and, in my opinion, the revolt is on.

The complaint of the farmers of America, as expressed by this southwestern Democratic officeholder, can be repeated in every phase of our national life.

LABOR

Through the National Labor Relations Act the arbitrary, unfair, and discriminatory regulations and rulings of the National Labor Relations Board, backed up by a hand-picked Rooseveltian Supreme Court have operated to completely regiment the laboring man, destroy his legitimate union activities and hamstring his employer. Now, under the guise of war necessity, the War Labor

Board has delivered both labor and management into the hands of the labor racketeers. No longer in America are men free to work without paying tribute to the racketeers of labor through enforced union membership, even against the will and the desire of the individual worker.

Although it was apparent that the Congress was opposed to a National Service Act for drafting and enslaving labor, the will of Congress is of no concern to the New Deal Government and its palace guard advisers. The War Manpower Commission has now issued regulations and directives more drastic and more far-reaching than even those contained in the proposed National Service Act. The New Deal has again shown its contempt for the will of Congress and has proceeded with its usual program of legislating the law, enforcing the law, and meting out punishment for what some bureaucrat may deem to be a violation.

THE BUSINESSMAN

Under the O. P. A. and the guise of wartime emergency the American businessman and industry in general have been reduced to a state of serfdom.

During the debate on the O. P. A. bill in the Senate on last Friday, I charged that there had been a dishonest application of the Emergency Price Law, that is had resulted in a deluge of black markets, severe inflation, and was threatening to lead the country into the most serious inflationary period of its history. The Senator from Connecticut rose to defend the honesty and integrity of his personal friend, Chester Bowles. The majority leader declared that it was absurd to say there was serious inflation or that we were threatened with serious inflation.

The Senator from Connecticut apparently was content to protect Mr. Bowles but ventured no defense of the application of the price law. In fact, he admitted that there had been "some mistakes". Likewise, the Senator from Kentucky contented himself with the mere denial that there was inflation.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. MOORE. I yield.

Mr. MALONEY. Let me briefly do it now, and let me also point out that in his statement, to which the distinguished Senator referred, he said that O. P. A. should be abolished.

Mr. MOORE. I did not understand what the Senator said.

Mr. MALONEY. I was merely recalling the fact that during the course of the Senator's brief discussion the other day he advocated the abolition of the Office of Price Administration.

Mr. MOORE. I, of course, did not mean to attack the personal honesty of Mr. Bowles. I do insist, however, that the administration of the price-control law has been a miserable failure. There can hardly be a better example of a break-down in public morals than that developed under O. P. A. Mental dishonesty has pervaded the entire set-up.

The second intermediate report of the Select Committee to Investigate Execu-

tive Agencies under House Resolution 102, submitted on November 15, 1943, stated:

The committee also recognizes the necessity in the war period for the exercise of extraordinary governmental action to mobilize the economic as well as the military resources of the Nation, and to direct them toward the winning of the war.

But there are right and wrong ways to accomplish these purposes.

The right way is through the operation of the legislative, executive, and judicial functions of democratic government within the confines of constitutional limitations.

The wrong way is by the usurpation of those functions by executive agencies through misinterpretation and abuse of powers granted them by the Congress and the assumption of powers not granted.

Failure to observe this simple formula is fatal to that mutual confidence that must exist between the legislative and executive branches for the successful operation of either.

Distrust of the good faith of the executive department in interpreting the powers granted will inevitably discourage and deter Congress from delegating those powers essential to the efficient functioning of government.

The committee finds that the Office of Price Administration has assumed unauthorized powers to legislate by regulation and has, by misinterpretation of acts of Congress, set up a Nation-wide system of judicial tribunals through which this executive agency judges the actions of American citizens relative to its own regulations and orders and imposes drastic and unconstitutional penalties upon those citizens, depriving them in certain instances of vital rights and liberties without due process of law. This seizure of judicial and legislative functions of government by the Office of Price Administration is traced in detail in the following pages.

In Report No. 808, part 1, of the House Interstate and Foreign Commerce Subcommittee, pursuant to House Resolution 98, investigating O. P. A.'s regulations and restrictions on brand names and grade labeling, released in October 1943, it is said:

The official reason advanced by Office of Price Administration for the issuance of MPR 306 with its original mandatory grade-labeling provision was that such a system would be necessary to enforce the Office of Price Administration ceilings on processed foods. While witnesses before the subcommittee conceded that this enforcement reason was "superficially plausible," they contended that whoever in the Office of Price Administration was responsible for this grade-labeling requirement has no conception of the fundamental effect of such a requirement on the food economy of this country; and it was an irresponsible action to promulgate what amounts to fundamental marketing reform, without thoroughly investigating it and finding out whether it is a sound thing to do.

During the brief period from April 3, 1944, to May 24, 1944, the O. P. A. and the W. P. B. have issued 23 orders and press releases relaxing or promising the relaxation of certain rationing regulations. These relaxing orders and promises of relaxations include lard, frozen fruits and vegetables, shortening and salad oils, canned vegetables, butter, oleomargarine, fresh and canned meats, tires, gasoline, typewriters, stoves, clothing for children, electric ranges, ice refrigerators, cooking utensils, galvanized ware, alarm clocks, bedsprings, umbrel-

las, electric irons, telephones, passenger automobile production, electric fans, and other commodities in demand by civilian consumers.

These relaxing orders and promises of relaxations, coming at a time when the American public is poised for a national election, carry with them a political significance which cannot be ignored.

The public will remember that on April 4, 1944, Mr. Bowles, in a coast-to-coast radio hook-up, told the housewives of the country that—

If I were going to make a guess on the civilian supply of meat for the next few months, I'd say there would be a little less in May, June, July, and August, with a stepping up of the supply again in the fall.

On May 3, 1944, all rationed meats, except steaks and roasts, were relieved from rationing regulations. At the same time rationing regulations were removed from canned vegetables and frozen fruits and vegetables, the Department of Agriculture, through its Bureau of Agricultural Economics, was on record with a report that—

Per capita civilian supplies of canned vegetables during the 1943-44 season are indicated to be only about four-fifths as large as the quantity consumed during 1942-43.

The spectacle of empty meat counters when our stock pens and storage facilities are bulging with cattle and hogs is a national scandal. The mishandling of the feed situation has caused discontent and distrust, and has disgusted the cattlemen and farmers of the country. In recent weeks there has been a wholesale dumping of beef cattle on the market, because of the fear of the reaction of O. P. A. regulations in the cattle business.

Hundreds of our dairies have been driven out of business. Even the Secretary of the Treasury has admitted that he was forced out of the dairy business. Eggs are a glut on the market today because of this governmental effort to "stiff arm" the law of supply and demand. And, incidentally, I wonder if we have forgotten the silly regulations of the O. P. A. such as the bread-slicing order and the maximum price orders for marbles, tops, and other children's toys, which items, I understand, have recently been released from the price regulations.

It is well known that the O. P. A. has from the beginning been largely composed of "parlor pinks" and draftees from the Communist Party, the League for Industrial Democracy, and other leftist groups.

A former employee in speaking of the personnel of the Office of Price Administration has written me as follows:

From my daily contacts with many of these people for more than a year, I was driven reluctantly to the conclusion that their one aim and purpose was to set up a system of controls that would be a permanent institution, so that they would have safe berths at fat salaries as career boys in the new regimented State, for the rest of their lives. One of these young "economists," a recent graduate of the Harvard School of Business, put it very clearly in the following words:

"This war is giving us the perfect opportunity to perfect our technique of control, so that when the war is over we will have

the businessmen just where we want them and we can then continue the O. P. A. as a permanent institution."

George W. Doffing, a former price executive of the Petroleum Branch of O. P. A., when attention was called to the need for prompt action to prevent the plugging of certain oil wells and the loss of production, is quoted as having said:

A high mortality rate is expected among the small marginal producers, and that will be all to the good. A few big operators rather than a raft of small inefficient ones is a much better situation for us, from the price control viewpoint.

I do not believe that even the most ardent supporters of the emergency price law visualized the possibilities for such arbitrary action when it was originally enacted. The many safeguards and prohibitions proposed by the Congress against the use of arbitrary power by those entrusted with the application of the law offer ample proof that the act has been unwisely and improperly administered. The attempt of the Price Administration to set itself up as judge, jury, and prosecutor is sabotage of our American constitutional principles. The emergency price law, in my opinion, never extended such power to the Administrator and his deputies, and I do not believe that it was the intent of Congress to delegate such uncontrolled authority.

The black-market situation is common knowledge to every citizen. We all know that this or that commodity may be had by paying the price and becoming a participant in a bootlegging transaction. Financial authorities are appalled at the fact that in excess of \$21,500,000,000 in currency is now afloat in the country. This vast amount of cash is an increase of more than 250 percent over the amount in circulation in 1940, and is \$15,500,000,000 more than the \$5,900,000,000 average for the 11-year period covered by the fiscal years 1930-40, inclusive.

What is the explanation of the demand for this excessive amount of currency? There are many bankers who feel that the explanation lies in the fact that we actually have on our hands a black-market economy, and black-market operations are carried on as cash transactions. Incidentally, such transactions are not usually reported for tax purposes. I am convinced that to a large extent the price control law is responsible for this inflationary flood of currency.

The manner in which the Emergency Price Control Act has been applied by the O. P. A. has saddled upon us an army of black-market operators and bootleggers. The people resent the failure of their Government to have confidence in their patriotism. The reaction to the arbitrary and capricious application of O. P. A. regulations is psychologically the same as that which destroyed the respect of our people for the prohibition law.

UTILITIES

Regulation of our utilities, together with the destiny of hundreds of thousands of utility employees and investors,

has been wrested from the States by this gargantuan central government through the machinations of the Federal Power Commission. Not only has this Commission garnered unto itself the control of the utilities of the country, but it has worked with and aided numerous New Deal agencies with communistic ideologies that have been active in destroying our utility investments and setting up a system of Government-owned and financed power projects, in competition with all private endeavor in this field of commerce.

At this time the nomination of Mr. Leland Olds, as Chairman of the Federal Power Commission, for another term is being considered by a subcommittee of the Senate Committee on Interstate Commerce. In the last few days I have received protests and statements from numerous State utility commissions flatly charging that the activities of the Federal Power Commission under Mr. Olds have been such as to destroy the power and the authority of the States to regulate their own intrastate business.

OIL

The regimentation of the all-important oil industry and its hundreds of thousands of employees and the attempt to render this great industry impotent by the maintenance of subnormal prices and through a well-organized propaganda campaign that we were running out of oil as a background for launching this country upon a program of imperialism in the field of foreign oil has been exposed on the floor of both Houses of Congress.

THE LAND GRAB

The rate at which the New Deal Government is destroying the vigor of the States by buying up the surface area of our country has been exposed by the Byrd Economy Committee and others. Already in excess of 21 percent of the surface area of the States is owned by the Central Government. Much of this land was acquired by communistic agencies of the New Deal regime. For example, the Farm Security Administration acquired almost a million acres of land in 36 States and the Virgin Islands for the purpose of creating communal farms. Over 98,000 acres of land were acquired for this purpose in Alabama, in excess of 83,000 acres in Arkansas, 82,000 acres in Georgia, nearly 61,000 acres in Minnesota, 52,000 acres in Mississippi, over 50,000 acres in Montana, nearly 70,000 acres in North Carolina, 41,000 acres in South Carolina, nearly 67,000 acres in Texas, 25,000 acres in Oklahoma, over 30,000 acres in New Mexico, and nearly 36,000 acres in Louisiana.

A similar program among the Indians was attempted by the Commissioner of Indian Affairs, and large purchases of land were made for communal Indian reservations. According to a recent statement of the chairman of the Indian Affairs Committee of the Senate the program has been a failure and distasteful to the Indians.

No segment of our people has been overlooked in the blitzkrieg of regimentation under which we have suffered during the past 11 years.

INSURANCE

An assault upon the insurance business and its sixty-odd million policyholders by the centralized New Deal Government has now been assured by a four-Judge decision of the Supreme Court of the United States, in the case of United States against South-Eastern Underwriters Association, decided June 5, 1944. It was there held that insurance transactions constitute commerce among the several States, so as to make them subject to Federal regulation under the commerce clause of the Federal Constitution and subject to the provisions of the Federal antitrust laws. Thus a 75-year precedent that insurance transactions were intrastate in character and subject to the regulations of the particular States in which such transactions were carried on was reversed and the door opened to another avenue of regimentation for the new dealers.

This is the first time in history that a minority of the Supreme Court justices has reversed an important precedent. It is the first time that a minority has assumed the responsibility of ruling on a question of constitutionality. Under the rules of the Supreme Court, four out of the nine Justices may render a decision, but in all the history of the Court the Justices have refrained from exercising that prerogative on the theory that it was improper for a minority to act on questions of such importance.

The opinion was written by Justice Douglas and concurred in by Justices Black, Murphy, and Rutledge. It is now perfectly apparent that the insurance departments of the 49 States are to be rendered powerless and the life- and fire-insurance business and the millions of policyholders are to be regulated by the New Deal bureaucracy.

For a long time it has been evident that there was a desire on the part of the new dealers to bring the insurance business under the domination of the Federal Government in order that the control of the large funds involved might be put at the disposal of the bureaucracy. The opening of this latest avenue of the destruction of State rights, in my opinion, portends the most far-reaching step in all of the history of the New Deal.

TAXATION

Over and above all this driving effort to destroy the constitutional rights of the States and render them vassals of a super-New Deal Government is the almost unbearable burden of taxation, a burden that has steadily grown year by year for the past 11 consecutive years, a burden that is so great that it is destroying the profit incentive of our people. The present rate of income and excess-profits tax in some cases amounts to confiscation. The excess-profits tax is encouraging some of our corporate enterprises to engage in foolish and unprofitable investments on the grounds that the Government is in fact paying for such foolish and imprudent expenditures if the taxable income is reduced. Such unsound course is depriving the Government of a large legitimate tax upon the wealth and income of our country, and

will in the end defeat our ability to repay the staggering national debt under which we labor, and will eventually deprive us of the ability to continue to pay the operating cost of government.

It is, of course, realized that to a large degree the national debt stems from the war, but long before the currents of war were running, the New Deal Government had launched itself upon a financial program that was destined for certain disaster. Federal expenditures rose from less than four billion in 1933 to over eight billion in 1937, or about 110 percent. Over the same period the national debt jumped from twenty-two and one-half billion to nearly thirty-six and one-half billion, or an increase of 60 percent. In this 4-year period tax collections on incomes increased from \$746,000,000 to over two billion, or approximately 200 percent, while the national income increased only about 70 percent.

It is indeed a sorry spectacle to which the third administration of the New Deal has brought us. It is a discouraging travesty upon history that the American people are being asked to continue the New Deal government for a fourth term. It is disheartening to witness an administration that uses the war for political position, when the simple statement of the leader of that administration that he would not be a candidate for reelection to office would unify the unlimited strength of this great Nation for final and complete victory in this awful war. But I have confidence in the integrity and intelligence of our people to throw off the yoke of regimentation and to return to constitutional government—the greatest blueprint ever devised for self-government. The native genius of our people and the mass productive powers of our country, if and when given the freedom of action and self-government contemplated by the Constitution, can and will survive this dark page of history.

Mr. MALONEY subsequently said: Mr. President, I am prompted, largely by the speech of the able Senator from Oklahoma [Mr. MOORE] to read into the Record at this point a newspaper item which I think is of special interest, and which is very pleasing to me, and I believe also to the people of my State. It is an Associated Press article which appeared in the newspapers of June 11. It is dated at Springfield, Mass., and reads as follows:

SPRINGFIELD CLUB GIVES AWARD TO CHESTER BOWLES

SPRINGFIELD, MASS., June 10.—The Springfield Advertising Club has bestowed on Price Administrator Chester Bowles its William Pynchon award, presented to a Springfield native who has performed outstanding service.

The citation accompanying the award said in part that the organization believed "that the great majority of the American people feel that he has done a good job courageously and efficiently."

The award was made by the William Pynchon trustees and accepted in the absence of Bowles by his cousin, Richard Hooker, publisher of the Springfield Republican.

I should like to add—and only because of the statement of the Senator from Oklahoma—that I think this expresses

the sentiment of an overwhelming majority of the American people.

THE LANDING IN FRANCE

Mr. DAVIS. Mr. President, since the morning of D-day, when the Allied soldiers stormed ashore on the seacoast of Normandy, there to wrest a beachhead from the Nazi defenders, we in America have received much news. But, it has not been the down-to-earth, eyewitness type of description which is the only type of news that can even begin to convey to us the terrific ordeal which our men underwent in order that the liberation of Europe might be realized.

There is one American correspondent who has traveled with our troops across Africa, through Sicily, and into Italy. He is now stationed with our troops on the beachhead in France. His writings, more than the writings of any other man, have served to bring home to us the real import of this war and the real suffering and hardship which our boys must undergo and are undergoing before victory may be attained.

I speak now of Ernie Pyle, whose daily column appears in many newspapers throughout the land, and whose factual, down-to-earth, descriptive writings serve to impress us fully with the bitter carnage that is war.

In today's Washington News, on the front page, in bold type, Pyle's column is entitled "This Is the Way It Was." In that column, for the first time to my knowledge, is described the bitter, almost incredible destruction which took place during the early landings on the coast of France.

Mr. President, every man and woman in America should read that column. Then he or she should ask the Almighty to watch over our boys, for truly they are engulfed in a living hell, the like of which we at home cannot imagine.

Mr. President, I ask unanimous consent to have printed in the Record as a part of my remarks this article by Ernie Pyle, as a tribute to the courage, tenacity, and skill of our fighting men, and as a reminder to all of us here at home that we can never begin to approach the standards of service and sacrifice of those who now carry on the fight on the far-flung battle fronts of the world.

There being no objection, the article was ordered to be printed in the Record, as follows:

THIS IS THE WAY IT WAS
(By Ernie Pyle)

NORMANDY BEACHHEAD, D-DAY PLUS TWO.—I took a walk along the historic coast of Normandy in the country of France.

It was a lovely day for strolling along the seashore. Men were sleeping on the sand, some of them sleeping forever. Men were floating in the water, but they didn't know they were in the water, for they were dead.

The water was full of squishy little jellyfish about the size of your hand. Millions of them. In the center each of them had a green design exactly like a four-leaf clover. The good-luck emblem. Sure. Hell, yes.

I walked for a mile and a half along the water's edge of our many-miled invasion beach. You wanted to walk slowly, for the detail on that beach was infinite.

The wreckage was vast and startling. The awful waste and destruction of war, even aside from the loss of human life, has always

been one of its outstanding features to those who are in it. Anything and everything is expendable. And we did expend on our beachhead in Normandy during those first few hours.

For a mile out from the beach there were scores of tanks and trucks and boats that you could no longer see, for they were at the bottom of the water—swamped by overloading or hit by shells or sunk by mines. Most of their crews were lost.

You could see trucks tipped half over and swamped. You could see partly sunken barges and the angled-up corners of jeeps and small landing craft half submerged. And at low tide you could still see those vicious six-pronged iron snares that helped snag and wreck them.

On the beach itself, high and dry, were all kinds of wrecked vehicles. There were tanks that had only just made the beach before being knocked out. There were jeeps that had burned to a dull gray. There were big derricks on caterpillar treads that didn't quite make it. There were half-tracks carrying office equipment that had been made into a shambles by a single shell hit, their interiors still holding their useless equipment of smashed typewriters, telephones, office files.

There were LCTs turned completely upside down, and lying on their backs, and how they got that way I don't know. There were boats stacked on top of each other, their sides caved in, their suspension doors knocked off.

In this shore-line museum of carnage there were abandoned rolls of barbed wire and smashed bulldozers and big stacks of thrown-away life belts and piles of shells still waiting to be moved.

In the water floated empty life rafts and soldiers' packs and ration boxes, and mysterious oranges.

On the beach lay snarled rolls of telephone wire and big rolls of steel matting and stacks of broken, rusting rifles.

On the beach lay, expended, sufficient men and mechanism for a small war. They were gone forever now. And yet we could afford it.

We could afford it because we were on, we had our toehold, and behind us there were such enormous replacements for this wreckage on the beach that you could hardly conceive of their sum total. Men and equipment were flowing from England in such a gigantic stream that it made the waste on the beachhead seem like nothing at all, really nothing at all.

A few hundred yards back on the beach is a high bluff. Up there we had a tent hospital and a barbed-wire enclosure for prisoners of war. From up there you could see far up and down the beach, in a spectacular crow's-nest view, and far out to sea.

And standing out there on the water beyond all this wreckage was the greatest armada man has ever seen. You simply could not believe the gigantic collection of ships that lay out there waiting to unload.

Looking from the bluff, it lay thick and clear to the far horizon of the sea and on beyond, and it spread out to the sides and was miles wide. Its utter enormity would move the hardest man.

As I stood up there I noticed a group of freshly taken German prisoners standing nearby. They had not yet been put in the prison cage. They were just standing there, a couple of doughboys leisurely guarding them with Tommy guns.

The prisoners, too, were looking out to sea—the same bit of sea that for months and years had been so safely empty before their gaze. Now they stood staring almost as if in a trance.

They didn't say a word to each other. They didn't need to. The expression on their faces was something forever unforgettable. In it was the final horrified acceptance of their doom.

It only all Germany could have had the rich experience of standing on the bluff and looking out across the water and seeing what their compatriots saw.

WAR BOND SALE AND DANCE UNDER AUSPICES OF CAPITOL PAGES

Mr. STEWART. Mr. President, I desire to call attention at this time to the fact that on the 19th of June the pages of the Senate and the House of Representatives will conduct another War bond and War stamp sale and dance in the new ballroom of the Shoreham Hotel. I take pleasure in making this statement, for the reason that the youngsters both on this side of the Capitol and on the other side have been lending their energies to the drive to sell War bonds and War stamps. Once before they gave a similar dance at the Shoreham Hotel. In that drive they sold several thousand dollars' worth of War bonds.

Members of the Senate on both sides of the aisle have an interest in the activities of the pages. These youngsters—I say "youngsters," although in the main they are boys of the ages of approximately 12 or 14 years, and some are a little older—constitute a group of young men of whom both Houses of Congress and the whole Nation, as a matter of fact, may well be proud.

This act on their part is a patriotic one. I think we would do well to lend whatever assistance we can to aid and encourage them in their efforts in this respect.

We have seen a number of the youngsters from this Chamber enter the armed forces during the past 2 or 3 years since the war started. We have seen, and I myself have seen in the 5 or 6 years I have been here, boys who came here as little fellows in knee pants, boys who then were approximately 12, 13, or 14 years of age, or at about that tender period of life, become old enough to be equipped with guns and join the American Army. Many of them, boys who were here even a short 2 or 3 years ago serving us in this Chamber, are now in the armed forces.

The younger ones, who because of their tender years are not yet able to join the armed forces, are making this contribution as a patriotic endeavor to help as much as they can in the war effort. I commend them for it. I hope it will be possible for the Members of the Senate not only to attend the dance which this group of youngsters is giving, but to do other things which come our way, so as to give them encouragement in their patriotic endeavor.

APPROPRIATIONS FOR WAR AGENCIES

The Senate resumed consideration of the bill (H. R. 4879) making appropriations for war agencies for the fiscal year ending June 30, 1945, and for other purposes.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). The clerk will state the first committee amendment passed over.

The LEGISLATIVE CLERK. On page 10, line 5, after the word "out", it is proposed to strike out "the" and insert "any."

Mr. MEAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Pepper
Austin	Gillette	Radcliffe
Ball	Gurney	Reed
Bankhead	Hatch	Revercomb
Barkley	Hawkes	Reynolds
Bilbo	Hill	Robertson
Brewster	Holman	Russell
Bridges	Johnson, Colo.	Shipstead
Buck	Kilgore	Stewart
Burton	La Follette	Taft
Bushfield	Lucas	Thomas, Idaho
Butler	McClellan	Thomas, Okla.
Byrd	McFarland	Thomas, Utah
Capper	McKellar	Truman
Chavez	Maloney	Tunnell
Connally	Maybank	Vandenberg
Cordon	Mead	Wagner
Danaher	Millikin	Wallgren
Davis	Moore	Walsh, N. J.
Downey	Murdoch	Weeks
Eastland	Murray	Wherry
Ellender	O'Daniel	White
Ferguson	O'Mahoney	Wiley
George	Overton	Willis

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present.

APPROPRIATIONS FOR CIVIL FUNCTIONS ADMINISTERED BY THE WAR DEPARTMENT—CONFERENCE REPORT

Mr. THOMAS of Oklahoma submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4183) making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 5, 6, 7, 8, and 9.

ELMER THOMAS,
CARL HAYDEN,
JOHN H. OVERTON,
RICHARD B. RUSSELL,
CHAN GURNEY,
C. WAYLAND BROOKS,

Managers on the part of the Senate.

J. BUELL SNYDER,
JOHN H. KEER,
GEORGE MAHON,
D. LANE POWERS,
ALBERT J. ENGEL,
FRANCIS CASE,

Managers on the part of the House.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent for the present consideration of the conference report.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. WHITE. Mr. President, my attention was distracted. To what does the conference report relate?

Mr. THOMAS of Oklahoma. It is a conference report on the bill making appropriations for the civil functions of the War Department. It is a partial report. The conferees have come to an

agreement on a few amendments, and there are some amendments still in disagreement. I am asking for the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 4183, which was read as follows:

IN THE HOUSE OF
REPRESENTATIVES, U. S.,
June 15, 1944.

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 2 and 6 to the bill (H. R. 4183) making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes, and concur therein; and

That the House insist upon its disagreement to the amendments of the Senate Nos. 1, 3, 5, 7, 8, and 9 to said bill.

Mr. THOMAS of Oklahoma. Mr. President, I move that the Senate further insist on its amendments numbered 1, 3, 5, 7, 8, and 9, request a further conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate at the further conference.

The motion was agreed to; and the Presiding Officer appointed Mr. THOMAS of Oklahoma, Mr. HAYDEN, Mr. OVERTON, Mr. RUSSELL, Mr. BAILEY, Mr. REYNOLDS, Mr. BRIDGES, Mr. GURNEY, and Mr. BROOKS conferees on the part of the Senate at the further conference.

APPROPRIATIONS FOR WAR AGENCIES

The Senate resumed the consideration of the bill (H. R. 4879) making appropriations for war agencies for the fiscal year ending June 30, 1945, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 10, line 5.

Mr. RUSSELL. What is the amendment, Mr. President?

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 10, line 5, after the word "out", it is proposed to strike out the word "the" and insert "any."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. RUSSELL. Mr. President, I do not intend to object to the amendment. However, I wish to point out to the Senate that these amendments, to my mind, are absolutely futile and of no effect. When I suggested in the Appropriations Committee that the action of the committee in approving this appropriation and, therefore, giving recognition to an agency which was the creature of an Executive order and which had proceeded to exercise powers which can be conferred only by legislative action, the committee sought to throw a cloak around any violation of constitutional procedure by making it appear that it

appropriated only for any functions lawfully vested in this agency by the Executive order. Of course, the words are absolutely meaningless. The Committee on Fair Employment Practice has already adopted a method of procedure, it has already enunciated lengthy rules and regulations, it has defined the limits of its own powers, it has assumed to cite employers and organizations and labor unions of employees before it, and it has abrogated existing contracts between employers and employees. It has assumed the right to impose sanctions upon employers by withholding from such employers Government contracts. The words proposed to be inserted are nothing more than a pious hope that the committee will abandon the policy it has already adopted, and which it has asserted it intends to continue to pursue. Instead of saying it is a pious hope, perhaps I should have said it is merely a pious fraud, and affords some protection to Members of Congress who intend to vote for this item while holding their noses. When the committee asserts all these powers over an employer, they will be able to say, "Well, I voted for an amendment to confine it to the law."

It is nothing more than a fraud, and will be readily recognized as such, because the Committee on Fair Employment Practice has already outlined its procedure and defined its rules and the extent of its powers. The amendment will not limit its functions in any way whatsoever.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 10, line 5, striking out the word "the" and inserting "any."

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 10, line 5, after the word "functions", to insert "lawfully."

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 10, line 8, to strike out the figures "\$10,000" and insert "\$8,000."

The amendment was agreed to.

Mr. RUSSELL. Mr. President, I desire to call up the amendment which yesterday, at my request, was ordered to lie on the table and to be printed.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 10, it is proposed to strike out all the matter appearing on that page between lines 3 to 16, inclusive, under the heading "Committee on Fair Employment Practice."

Mr. RUSSELL. Mr. President, in my opinion, the action of the Senate on this amendment will be as significant and as far reaching in its consequences as any vote which is likely to be taken in this body for a long time. I hope the amendment may be decided strictly on the

merits of the issue involved. I trust that all members of the Senate will examine this question without prejudice. I earnestly pray that we may reach a decision on the basis of proper constitutional procedure, rather than of political expediency.

Not a great deal of money is involved in this amendment; only \$500,000 is involved, and that is a small sum of money, as appropriations go today. But the question here involved goes to the very fundamentals of a republican form of government.

Today the American people are concerned—and they have reason for their concern—over the present trend toward a stronger centralized bureaucratic government in Washington. It has been necessary for us to delegate vast powers to the President of the United States in order to enable us to carry on the war. No one objects to the creation of agencies to implement those powers. It is expected that those powers will be recaptured by the people and by their representatives after the war has come to an end. But the question of the application of war powers is not involved in the pending amendment, as it is not involved in some other agencies which have been created by Executive proclamation.

The people have been critical of the Congress because of the assumption of powers by bureaucratic agencies which were not delegated to them. Members of Congress have stated time after time that the powers which the agencies have sought to exercise were not involved in legislation which Congress had enacted.

The method of administration of some of these powers has been irritating to the people. Many Members of Congress have complained against the tendency of the executive branch of the Government to encroach upon the constitutional powers of Congress. Fears have been expressed that the tripartite division of powers contemplated by the founding fathers with reference to the executive, the legislative, and the judicial branches of the Government was gradually being eliminated and that a large part of all powers affecting the rights, liberties, and means of livelihood of 135,000,000 people were gradually being centralized and concentrated in the executive. No person who is interested in maintaining the powers of the Congress could fail to be concerned with the authority which is being asserted by the boards, bureaus, and agencies which have been created by fiat or by proclamation. Many of those agencies were created without reference to the war effort, and were vested with broad powers without the approval of Congress ever having been given. The creation of some agencies has been necessary for the conduct of the war, but some of the powers which have been assumed by the war agencies were never contemplated by the Members of the Congress and were never enacted into law.

Mr. President, I am a Democrat. I am proud of the achievements of my party. Nevertheless I have never believed that the President of the United States was vested with one scintilla of authority to create by an Executive order an action

agency of Government without the approval of the Congress of the United States. I would hold that belief were the President a Republican or a Democrat, because the idea of an action agency being created by the proclamation of one man, an agency which can go into the business of the American people and affect them in their daily lives and in their homes—as I say, the idea of such an agency being created by one man, whatever his position may be, is to me entirely repugnant and inconsistent with the whole philosophy of a democracy, a republican or any other representative form of government.

Mr. President, to combat the tendency to create action agencies by Executive order is no new move on my part. For several years I have endeavored by amendments to appropriation bills to confine the powers of agencies created by Executive orders to the functions which have been delegated to the executive branch of the Government by the Congress. I have known of no other way in which to reach those children of the executive branch of the Government. I know no way in which to do it except by the exercise of the power of the purse. I sometimes believe that the power of the purse is about the only power which still remains in the Congress of the United States.

I have offered amendments to curtail the agencies which have been created by Executive order, and for which Congress has denied appropriations. Agencies have been created which the Congress never recognized, but for which Budget estimates were submitted. Congress refused to appropriate, and yet, by an allocation of funds from some other appropriation, those agencies were kept in existence. Three years ago I offered an amendment of the kind to which I have just referred. Senators are familiar with the amendment which I offered to the recent independent offices appropriation bill, an amendment which has been agreed to by both branches of the Congress. The amendment would require each of the executive agencies to come to Congress for an appropriation if its personnel were to receive any funds from the Public Treasury.

Mr. President, the amendment which we are asked to ratify by placing upon it our seal of approval, involves an agency which was created by an Executive order. The powers this agency asserts cannot be defined by a single Member of the Senate.

This appropriation for the Committee on Fair Employment Practice provides the acid test of the sincerity of the pledges and assurances which were given by the Members of this body of their intent to restore and recapture the powers of the Congress to legislate. We shall never have before us a cleaner and more clear-cut issue between a government of law and a government by men. I use the words "acid test" advisedly, because I am well aware of the forces which are supporting this creature of an Executive order, and demanding that the requested appropriation be approved.

I recognize that if political expediency is to dictate the action to be taken here, it will be very difficult to vote against the appropriation. It has the wholehearted support of the Congress of Industrial Organizations and its political action committee. In fact, my investigation of the committee has almost caused me to conclude that it is but an adjunct of the C. I. O. It has the support of other powerful minorities in this country of whom some people stand in fear because in some States those minorities are supposed to hold the balance of political power.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. Mr. President, the Senator is about to leave the point which he has made concerning the creation of various Government agencies by Executive order rather than by law. I should like to ask him if he is basing his objection to the agencies on the ground that no substantive law has been established to create those agencies. Is that his point?

Mr. RUSSELL. That is my substantial objection.

Mr. WHERRY. Am I to understand that if Congress approves the appropriation requested in this bill the Senator will feel that such action on the part of the Senate will be a sanction and approval of the agency under discussion, whether established by substantive law or not?

Mr. RUSSELL. During the course of my remarks I shall undertake to show the nature of the agency which we are asked to approve, and explain some of the rights and powers which it has asserted. I shall also try to explain some of the fields in which the agency has been operating. The approval of this appropriation will be an endorsement of all acts of this so-called F. E. P. C.

Mr. WHERRY. I thank the Senator. I shall wait until the Senator does so, but in the meantime I wished to bring to his attention the point I raised concerning his attitude, toward the creation of agencies by Executive order.

Mr. RUSSELL. During the course of my remarks I shall refer to the creation of an action agency of the Government by Executive order. The issue is one about which I have consistently implored Congress to assert its power by discontinuing the practice of creating action agencies by Executive order by denying appropriations for their support.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MURDOCK. Does the Senator take the position that the Committee on Fair Employment Practice is acting without any legal sanction, and that its actions are in violation of law?

Mr. RUSSELL. I most assuredly take that position, and stand squarely upon it.

Mr. MURDOCK. In other words, that the Congress has never authorized the President by any law it has passed to create such an agency. Is that the Senator's position?

Mr. RUSSELL. I should like to have the Senator cite me to any statute authorizing the creation of this agency.

Mr. MURDOCK. I am merely asking for information, and this question occurs to me: If the Senator's position is correct that there is no law under which this Committee could be appointed, what has happened at the General Accounting Office? Why is it that money which is being paid for the operations of the Committee is not held up by the General Accounting Office?

Mr. RUSSELL. If the Senator will permit me to proceed, I shall show to the Senate that the Comptroller General of the United States, an agency and an official who is supposed to represent the Congress of the United States to see that all expenditures made are lawful, has ruled that this agency does not have the powers it claims, but his ruling was overridden by a letter written by the President of the United States.

Mr. MURDOCK. Will the Senator yield for one more question?

Mr. RUSSELL. Yes; I yield to the Senator from Utah.

Mr. MURDOCK. I do not want the Senator to get the idea that I am at all critical of his position; I am asking for my information exclusively; but the question occurred to me that if there is no lawful authority for this committee certainly the Congress should be protected through the instrumentality it has created, which is the General Accounting Office. I hope the Senator will touch on that.

Mr. RUSSELL. I shall be happy to read the ruling of the Comptroller General that the President's order creating this board was only directive and not mandatory, whereupon the President of the United States addressed a letter to the Attorney General which, while it was couched in very polite language, said, in effect, that the Comptroller General did not know what he was talking about, had no rights in the matter, that the President's order to the Government departments was mandatory, and the ruling of the Comptroller General should be overruled. I shall reach that subsequently in my remarks.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MAYBANK. The Senator says, as I understand, that he expects to reach in a few moments during the course of his remarks the question of the ruling of the Comptroller General. I should like to ask the Senator if he also intends to touch upon the violation of law, not only by the payment of salaries but the violation by those on the committee themselves, as they admitted in their testimony, in the case of a Dallas, Tex., newspaper, when they cited an individual in Dallas and then admitted that they did not have the right to do it. Am I correct about that?

Mr. RUSSELL. This agency has operated in a very nebulous field and has assumed that it had any necessary powers in each individual case. The agency assumed that it could tell a newspaper,

though it had no statutory standing in law but was a creature of the Executive to cease advertising of a certain kind. The case arose out of an advertisement for a colored man in the folding room of the Dallas News. Then, this agency, through its regional officer, issued a citation forbidding the Dallas News from stating in advertisements whether a person who was desired for employment was white or colored. The newspaper of course defied them. An issue was made in that case by the Dallas News, and other great newspapers of the country, apprehensive lest the freedom of the press would be abridged by this creature of Executive order, rallied to the support of the Dallas News. The F. E. P. C., which is very fluid in its operations, pressing when it feels it can win and retreating when it feels it will lose, closed the matter by saying that the regional director had exceeded his authority in citing the newspaper.

Mr. MAYBANK. Mr. President—

Mr. RUSSELL. I hope the Senator will permit me to proceed for a few minutes.

Mr. MAYBANK. Very well, I shall not interrupt the Senator.

Mr. RUSSELL. Mr. President, I have said this agency has political appeal, but, divested of that political appeal and considered naked and on its merits by the Congress, it is a perfect example of government by men in absolute derogation of law and without the slightest sanction of law. The very name, the Committee on Fair Employment Practice, does not appear in any act of Congress, and I defy any Senator to show an act, other than that which the Senate is now asked to approve, that even mentions the Committee on Fair Employment Practice. The almost unlimited powers which this agency has assumed have never been defined by the Congress. Its rules and regulations and its methods of procedure do not even pretend to be based upon any legislation enacted by the Congress. It claims the authority to render decisions and the right to enforce sanctions against legitimate business in this country, by canceling Government contracts, without even permitting the person who is cited before them the right of appeal. The Committee calls an individual in and tells him what he must do, what persons in his employ he must promote, and if he does not comply, then the agency cancels his Government contract, and there is no recourse whatever for the industry or the business that has been thus cited before the F. E. P. C. The Committee operates under rules and regulations of its own making and in many cases enforces its findings by sheer intimidation on the people with whom it deals. It conforms to no legislative standards whatever. It has even asserted the right and the power to amend, to modify, and even to repeal solemn acts of the Congress which have been upon the statute books for many years.

This Committee has been functioning since 1941. For its authority to enunciate all the broad rules and regulations

it issues, to cite thousands of people before it, to prescribe how plants shall be operated, to say who shall be promoted, and whom a businessman shall employ, it depends upon Executive Order No. 9346, issued May 27, 1943, which was an amendment to Executive Order No. 8802, issued June 25, 1941.

Mr. PEVERCOMB. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REVERCOMB. The Senator has made a very grave charge in that this Committee has violated and transgressed the laws enacted by Congress. Does the Senator intend to be specific on that point?

Mr. RUSSELL. Yes; if the Senator will permit me to proceed, I shall give at least two examples which, if I understand the English language, show that the effect of orders or regulations of this Committee will be to repeal an act of Congress. I shall be glad to reach that in a moment.

Now, Mr. President, I want the Senate to hear read a part of the Executive order. We are asked to legislate in this kind of fashion and approve all that has been done in the past and all that may be done in the future by this Committee, and I venture to say not a half dozen Members of the Senate have read the Executive order which the Committee claims as the source of its authority. The order has the whereases, and whereases, of course, are something with which no person could quarrel. In brief, the whereases say that it is necessary to see that the manpower in the United States is utilized, and that there should be no discrimination in employment on account of race, creed, or ancestry of the person who is seeking employment. No one could complain of that. I have never yet seen any resolution so drafted that an argument could be provoked about the whereases. A Senator could introduce a resolution and say whereases "It is highly desirable to the future welfare of the American people that poverty be abolished," and no man would controvert that statement; but if the resolution proceeded in its resolving clause to say that all the wealth of the country should be equally divided among all the inhabitants of the United States, it would be a different question. Whereases, of course, are phrased so that no person could take exception to them, and so they will meet with almost unanimous approval. But getting away from the whereases and coming down to the body of the Executive order, I will read from it:

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the Army and Navy, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of any person in war industries or in government by reason of race, creed, color, or national origin, and I do hereby declare that it is the duty of all employers, including the several Federal departments and agencies, and all labor organizations, in furtherance of this policy and of this order, to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color, or national origin.

Mr. President, I wish to discuss that language for a moment. This refers to a national policy, and therefore assumes the President has the right to enforce such national policy. Being merely an old-fashioned believer in democratic government, I believe that the enforcement of a national policy of this nature requires the action of the Congress of the United States in some way, shape, form, or fashion.

This refers to the Constitution and statutes as the source of the authority. I challenge any Member of the Senate to rise on this floor and cite a single statute or provision of the Constitution which gives the President the right to enforce any such national policy through such a Committee as this.

It then refers to his general powers as President of the United States and Commander in Chief of the Army and Navy. So if there is any power at all, it is what was recently called, I believe, the aggregate of powers, a nebulous, illusive thing, on which no man can put his hand, and which no man can read because it has never been written or enacted by the Congress of the United States and cannot be found in the Constitution. Enforcement of this policy is based upon powers which no man can find in written law which has been granted by the Congress through the constitutional processes.

What, then, is to be the procedure, what, then, is to be the power of this creature which the President establishes in this order?

They follow:

It is hereby ordered as follows:

1. All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and requiring him to include a similar provision in all subcontracts.

2. All departments and agencies of the Government of the United States concerned with vocational and training programs for war production shall take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin.

3. There is hereby established—

Senators, this is not an act of Congress I am reading, this is an Executive order:

There is hereby established in the Office for Emergency Management of the Executive Office of the President, a Committee on Fair Employment Practice, hereinafter referred to as the Committee, which shall consist of a chairman and not more than six other members to be appointed by the President. The chairman shall receive such salary as shall be fixed by the President—

This is not a statute, I again remind Senators; this is an Executive order—

the Chairman shall receive such salary as shall be fixed by the President, not exceeding \$10,000 per year. The other members of the Committee shall receive their traveling expenses and, unless their compensation is otherwise prescribed by the President, a per diem allowance not exceeding \$25 per day and subsistence expenses on such days as they are actually engaged in the performance of duties pursuant to this order.

4. The Committee shall formulate policies to achieve the purposes of this order and shall

make recommendations to the various Federal departments and agencies and to the President which it deems necessary and proper to make effective the provisions of this order. The Committee shall also recommend to the Chairman of the War Manpower Commission appropriate measures for bringing about the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin.

5. The Committee shall receive and investigate complaints of discrimination forbidden by this order.

Shall receive and investigate complaints of discrimination forbidden by this order.

It may conduct hearings, make findings of fact, and take appropriate steps to obtain elimination of such discrimination.

I ask Senators, in all sincerity, if there could be a more general statement of far-reaching powers in any form of democracy than that. It creates a quasi court. The Constitution says that all inferior courts shall be created by the Congress, but this creates a quasi court, with general power to tell any employer in this country whom he shall or shall not employ, and what employee he shall or shall not promote, as well as to attempt to invade an employer's plant and prescribe any rule or regulation the members may think necessary to stop anything that they choose to call discrimination within the plant. Before I conclude, I shall give some illustrations along that line.

I have read how the court is established, and that the members shall take any appropriate step they see fit to enforce their rulings. No provision is made for appeal by any employer, or by any labor union which may be brought before them.

Upon the appointment of the Committee and the designation of its Chairman, the Fair Employment Practice Committee established by Executive Order No. 8802 * * * hereinafter referred to as the old Committee, shall cease to exist.

I do not know exactly why the old Committee was abolished and a new one created. Perhaps the old Committee was not diligent enough in pursuing the directives in the Executive order.

The Committee shall assume jurisdiction over all complaints and matters pending before the old Committee and shall conduct such investigations and hearings as may be necessary in the performance of its duties under this order.

No more general statement has ever appeared anywhere by any legislative body which sought to create an agency with the power to cite people before it and enforce sanctions against them. It is set forth in such general terms, which would not stand before any court in this land. The trouble about this is that it is not possible to get it to the courts. I continue the reading:

Within the limits of the funds which may be made available—

That provision permits the Chairman to employ the personnel, and fix the compensation of the personnel. I shall not read it all.

I want Senators to note this language in this act or law. The members of the

committee refer to it as the law. I say it has absolutely no standing in our form of government, particularly a constitutional democracy, such as ours, because it is merely the product of the pen of the President of the United States, who has no power to legislate.

The Committee may utilize the services and facilities of other Federal departments and agencies and such voluntary and uncompensated services as may from time to time be needed.

I ask Senators to listen to that. Any social worker, or any other person who desires to work for this agency on an uncompensated basis, may have his services accepted, and he may then proceed to go into plants, or to harass employers to enforce his own ideas as to what might be a discrimination in employment. A man never sworn as an employee of the Government of the United States, a purely voluntary, uncompensated employee, is recognized here as an official of the Government, to go out and put in motion proceedings which may mean life or death to some business concern in this country.

The Committee may accept the services of State and local authorities and officials, and may perform the functions and duties and exercise the powers conferred upon it by this order through such officials and agencies and in such manner as it may determine.

Can Senators imagine a wider grant of power than that, or a wider assumption of power? The order allows the Committee to determine its procedure and to determine the method of enforcement. That power is vested in an agency that is presided over by a man whose name has never even been before the Senate for confirmation, and the Senate has never had an opportunity on earth to investigate this matter. Most of our knowledge of the Committee is gained from a few letters we have received from those groups which are supporting this agency and demanding that Congress make appropriations for its support.

This is the final grant of power, and it is even more sweeping and far reaching than the others which I have read heretofore:

The Committee shall have the power to promulgate such rules and regulations as may be appropriate or necessary to carry out the provisions of this order.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. Yes.

Mr. WHERRY. Ofttimes the power to sign Executive orders is delegated to someone. I ask the Senator, who signed this Executive order?

Mr. RUSSELL. This Executive order was signed by the President of the United States, as I said at the outset of my remarks. This, Mr. President, is the finest illustration of the creation by the Chief Executive of action agencies without the consent of Congress, that could be brought before us. Although it has political appeal, when brought into the light, and put to the test of constitutional right, and as being consonant with the tripartite powers of government in the United States, it has not a leg to stand on

or even a finger with which to catch hold of anything.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from South Carolina.

Mr. MAYBANK. There is one matter to which I should like to call the Senate's attention in connection with the order which the distinguished Senator from Georgia has read, and that is that the agency itself originates complaints. The agency is a court and it is also the originator of complaints. I wish to be perfectly fair with the Committee and say that it has limited the originating of complaints to advertising. It has admittedly originated 163 complaints involving discriminatory advertisements.

Mr. WHERRY. Is that to be found in the record of the hearings?

Mr. MAYBANK. It is.

Mr. WHERRY. On what page?

Mr. MAYBANK. On page 168 of the hearings before the subcommittee of the Committee on Appropriations of the Senate. The witness stated before the Committee:

The total number of cases involving discriminatory advertisements, including those cases which the present Committee inherited from its predecessor, is 163 cases; that is, 163 initiated on the motion of a regional director.

In other words, the regional director can initiate a complaint. The complaints, however, have been limited to discriminatory advertisements.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CHAVEZ. As I understand the statement of the Senator from Georgia, it would indicate that any authority which the agency possesses comes from the Executive order.

Mr. RUSSELL. Yes. If the President has the power to create action bureaus or agencies, this agency has the power they assert. I do not believe he is authorized to create such agencies.

Mr. CHAVEZ. In other words, they have no authority whatever except as it results from the legality of the Executive order?

Mr. RUSSELL. I would not go that far, because the Executive has certain other powers which have been delegated to him by the Congress, and by asserting those powers, he can enforce the edicts of this Committee.

Mr. CHAVEZ. Does the Senator from Georgia know of any particular decision made by this committee which has been appealed to the courts for adjudication?

Mr. RUSSELL. I do not know how on earth a person would go to the courts to appeal from any agency which has no recognition or standing in law.

Mr. CHAVEZ. If the Committee has no standing in law, then appeal should be taken to the courts. Does the Senator know of any particular decision by the Committee which has been appealed to the courts?

Mr. RUSSELL. No. How on earth would one appeal from drifting smoke? This thing is not tangible. There is no way that you can lay your hands on it. The greatest lawyer that ever lived would

have no method of appeal from an agency of this kind when they say, "We are going to have another agency cancel your contract," or "We will not permit the War Department to make a contract with you unless you give the committee power over your employment policies." How could an appeal be taken? A mandamus cannot be brought against the War Department to make the Department award a contract.

Mr. CHAVEZ. Of course, that cannot be done, but if the Committee is acting in an illegal manner, if it is rendering decisions which are not in accordance with the law, then it has no standing whatsoever. But as I understand, no one up to the minute has appealed any of its decisions from a legal standpoint.

Mr. RUSSELL. Of course, there is no way on earth for anyone to appeal from any of its decisions. The only appeal that can be taken is to the integrity and dignity of the Congress of the United States. There is no way for an appeal from a decision by the Committee to come into court.

Mr. CHAVEZ. The function of Congress is to pass laws, but the interpretation of the laws, or decision with respect to the legality of an Executive order, belongs to the courts, and not to the Congress.

Mr. RUSSELL. Yes, but if the Senator can inform me of any method of getting this question in the courts I shall be very happy to have him do so.

Mr. MAYBANK. In the case of the Dallas News there was an exception.

Mr. RUSSELL. The Dallas News had no contract with the Government, and they told the Fair Employment Practice Committee, "You have no standing in law, because there is no power in the Chief Executive to create an agency of your nature." In that case the Committee was forced to retreat. There are other cases, however, where they have demanded that certain practices be adopted within American business enterprises on the threat that contracts which had been awarded a company by other departments of Government would be terminated if it did not comply with the orders of this agency. The firm or person whose contract may be suspended by a Government agency has no recourse to the courts.

Mr. CHAVEZ. I agree with the Senator from Georgia that there should be legality with respect to agencies of this nature. Whether the functions of the Committee are outlined in the directive, or whether provided for in an act of Congress, they should be provided for legally. The complaint I make is that no one has appealed to the courts about any particular thing this Committee may have done, and I want to have the correct procedure followed.

Mr. RUSSELL. I do not know of any way that complaint could be made to the courts. There have been two or three cases of individuals or companies having absolutely refused to carry out the orders of this Committee, and they have been cited to the President. The President, despite the fact that he has asserted that the orders were mandatory,

has referred the cases to a second committee. There is no way that I can see to get the matter into the courts. The injured citizen is without redress.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Mississippi.

Mr. EASTLAND. The Senator stated that some of the decisions of the Committee are referred to the President, as was the railroad case. When that is done, is it the Senator's idea that the President is authorized to take over a plant for noncompliance with the order of the Committee?

Mr. RUSSELL. I was going to deal with that question in order, but I will do so now. I intended to refer to it later on in my remarks. After the Congress puts its stamp of approval on this agency there is no question in my mind that if an employer fails to comply with its orders, the Fair Employment Practice Committee intends to assert the position that the President has the power under his war powers contained in the Selective Service Act to take over the employer's business.

Mr. EASTLAND. Does the Senator know that the United States District Court for the District of Columbia in a decision in the month of April held that findings of fact by war agencies created under Executive orders of the President are not reviewable in court?

Mr. RUSSELL. I am not familiar with that decision.

Mr. CHAVEZ. Mr. President, will the Senator yield to me?

Mr. RUSSELL. Yes.

Mr. CHAVEZ. If that statement be correct, then that is the law of the land.

Mr. EASTLAND. It is utterly not the law of the land. It is the law of dictatorship. Agencies have been set up under the President's war powers. Decisions by such agencies have been referred to the President. The President, under his war powers, has sent soldiers to certain plants and taken them over. The court now holds that under such conditions the orders are not reviewable. But there is utterly no question that in the present case there existed no legal authority for setting up this agency. Congress passed the Smith-Connally Act. Under its provisions factories were taken over by the President. Congress recognized that that was legal, and specifically granted that authority under the Smith-Connally Act; but no such authority exists in this instance.

Mr. CHAVEZ and Mr. MURDOCK rose.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and, if so, to whom?

Mr. RUSSELL. I yield first to the Senator from New Mexico, who was engaged in discussion with the Senator from Mississippi [Mr. EASTLAND]. Then I shall yield to the Senator from Utah. Following that, I ask Senators to allow me to complete my remarks.

Mr. CHAVEZ. Mr. President, I am not discussing the merits of the policy. However, I do say that if a court decides

that it can do nothing about it, its decision is controlling, unless it is overturned.

Mr. RUSSELL. I now yield to the Senator from Utah.

Mr. MURDOCK. If I correctly understand the able Senator from Georgia, he takes the position that the agency of which he is speaking has no basis in law whatever. Am I correct in that understanding?

Mr. RUSSELL. That is correct.

Mr. MURDOCK. Then the Senator takes the position that because of that fact, if the legal rights of a citizen are violated by what he calls an unlawful agency, there is no redress or remedy by way of court action on the part of a citizen. Is that the Senator's position?

Mr. RUSSELL. That is my position. The aggrieved party cannot sue the Government. He will have his contract canceled or he can submit to the wishes of the F. E. P. C.

Mr. MURDOCK. As I understood the Senator, that was his position.

Mr. RUSSELL. This agency does not itself impose its sanctions. Under the powers delegated to it by the Executive order, it appeals to the action agencies, and they enforce its sanctions. The hearings will show that when representatives of the Committee were asked how they enforced their orders, with no standing in law and no power, they replied, "If a plant which has a contract with the War Department does not conform, we report that fact to the War Department, just as the President's proclamation instructs us to do; and when the War Department talks things over with the operators of the plant, it is usually able to compel them to conform."

That was the testimony. In answer to a question, they asserted in the hearings the right to impose the sanction of cancellation of contract by the War Department. I should like to know just what redress a citizen would have in seeking a contract if he refuses to incorporate in the contract any clause prescribed by this agency. If he refuses to incorporate in the contract the requirement submitting him to the jurisdiction of this Committee, he is not awarded the contract, and I should like to know just what recourse he would have in a court of law.

The question was raised as to where the Comptroller General had been. The Comptroller General is supposed to be the official of the Government who sees that no funds are expended without authority of law. He is supposed to be the official of government who says when the acts of Congress have been transgressed or violated by any department of government. In times past he has been considered the strong right arm of the Congress to see that the legislation enacted by the Congress was followed.

This question was submitted to the Comptroller General. What did he rule? I do not like to read all these long documents, but the Comptroller General ruled that the President's proclamation was directive and not mandatory. A case arose in Kansas City, Mo. There are many Federal agencies with offices in Kansas

City, Mo. The regional office submitted to the telephone company a contract which contained all the clauses which have been recommended by this F. E. P. Committee. The company involved was the Southwestern Bell Telephone Co., of Kansas City, Mo. These contracts cover telephone service to be furnished to national agencies through the central administrative service switchboard at Kansas City, Mo., and telephone pay stations installed in leased buildings, from which the Government receives 20 percent of the collections made on calls. Due to the inclusion of the antidiscrimination clause required by Executive Order 9346—that is, the Executive order which undertook to set up this action agency—the telephone company refused to execute the necessary agreements.

The same situation has arisen with respect to various leases in which this clause has been incorporated. Those owning real estate, such as office buildings, and leasing it to Government agencies, are now required to subject themselves to the policing and authority of the Fair Employment Practice Committee before the Government will execute a lease. Certain contractors refused to incorporate such provisions in their contracts. The telephone company refused to sign such a contract.

These are the cogent parts of the Comptroller General's ruling:

Admittedly, the matter of the inclusion in Government contracts of antidiscrimination clauses has not been the subject of specific statutory enactment.

The Comptroller General, appointed by the President, when this matter was submitted to him, said that admittedly this has never been a matter on which the Congress has taken action.

Hence, past decisions of the accounting officers with reference to contract provisions or stipulations expressly required by acts of Congress are—at most—only indirectly applicable to the instant case.

The question was raised as to where the Comptroller General had been. Here he is. This is his ruling. He is supposed to see to it, as an officer of the Government, that nothing is done contrary to acts of Congress. He says that admittedly the requirement that these clauses be included, subjecting contractors to the authority of this Committee, has never been the subject of statutory enactment.

But the Comptroller General went further. He said:

However, for present purposes, it will be assumed that the involved portion of Executive Order No. 9346 should be given the same effect as a statute enacted in like terms, under like conditions, and for a like purpose.

I continue to read briefly from the ruling. When I shall have concluded, I shall ask that the entire opinion be printed in the RECORD.

Hence, there is for consideration the question of whether the section of the Executive order here involved is mandatory, in the sense that failure to comply therewith vitiates the action taken, or whether it is directory only, leaving some discretion in the various contracting agencies of the Government to mitigate literal application of the order in particular cases.

I skip two or three paragraphs which are not especially pertinent, and read the last paragraph. This is the significant paragraph in the opinion. In it is embraced the ruling by the Comptroller General:

Accordingly, it is concluded that the paragraph of Executive Order No. 9346, involving the inclusion in Government contracts of a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and requiring him to include a like provision in subcontracts was intended only as a directive to the contracting agencies of the Government, so that failure to include such a provision will not render void an otherwise proper contract or render objectionable otherwise proper payments thereunder.

The opinion is signed by Lindsay C. Warren, Comptroller General of the United States.

Mr. President, I ask that the letter be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, October 7, 1943.

LIAISON OFFICER,

Office for Emergency Management.

MY DEAR MR. BYRNES: I have a letter of September 11, 1943, from the Director, Division of Central Administrative Services, reference FI-21, requesting decision whether contracts and leases which do not contain an antidiscrimination clause of the nature prescribed by Executive Order No. 9346, dated May 27, 1943, may be entered into and payments made thereunder in cases where the contractor refuses to execute a contract or lease containing such a clause and similar services or suitable office space cannot be secured from other sources.

Executive Order 9346, supra, provides, in pertinent part, as follows:

"In order to establish a new Committee on Fair Employment Practice to promote the fullest utilization of all available manpower and to eliminate discriminatory employment practices, Executive Order No. 8802 of June 25, 1941, as amended by Executive Order No. 8823 of July 18, 1941, is hereby further amended to read as follows:

"Whereas the successful prosecution of the war demands the maximum employment of all available workers regardless of race, creed, color, or national origin; and

"Whereas it is the policy of the United States to encourage full participation in the war effort by all persons in the United States regardless of race, creed, color, or national origin, in the firm belief that the democratic way of life within the Nation can be defended successfully only with the help and support of all groups within its borders; and

"Whereas there is evidence that available and needed workers have been barred from employment in industries engaged in war production solely by reason of their race, creed, color, or national origin, to the detriment of the prosecution of the war, the workers' morale, and national unity:

"Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the Army and Navy, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of any person in war industries or in Government by reason of race, creed, color, or national origin, and I do hereby declare that it is the duty of all employers, including the several Federal de-

partments and agencies, and all labor organizations, in furtherance of this policy and of this order, to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color, or national origin.

"It is hereby ordered as follows:

"1. All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and requiring him to include a similar provision in all subcontracts."

The difficulties upon which the request for decision is based are described in the submission, as follows:

"In compliance with the foregoing, this office has issued instructions requiring the incorporation of the following clause in all future contracts:

"ANTIDISCRIMINATION

"A The contractor, in performing the work required by this contract, shall not discriminate against any worker because of race, creed, color, or national origin.

"B The contractor agrees that the provision of paragraph (A) above will also be inserted in all of its subcontracts. For the purpose of this article, a subcontract is defined as any contract entered into by the contractor with any individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the supplies or services furnished under this contract; *Provided, however*, That a contract for the furnishing of standard or commercial articles or raw material shall not be considered as a subcontract."

"Pursuant to these instructions, the antidiscrimination clause was incorporated in proposed contracts with the Southwestern Bell Telephone Co., Kansas City, Mo. These contracts cover telephone service to be furnished the national war agencies through the central administrative service switchboard at Kansas City, Mo., and pay telephone booths installed in a leased building from which the Government was to receive 20 percent of the collections made on calls.

"Due to the inclusion of the antidiscrimination clause required by Executive Order No. 9346, the telephone company has refused to execute the necessary agreements. The same situation has arisen with respect to various leases in which this clause has been incorporated.

"Since telephone service in Kansas City, Mo. can be obtained only through the Southwestern Bell Telephone Co. and available office space in certain sections of the country is at a minimum, the refusal of contractors to accept contracts containing the antidiscrimination clause has caused considerable administrative difficulties."

Admittedly, the matter of the inclusion in Government contracts of antidiscrimination clauses has not been the subject of specific statutory enactment. Hence, past decisions of the accounting officers with reference to contract provisions of stipulations expressly required by act of Congress are—at most—only indirectly applicable to the instant case. (See 16 Comp. Gen. 583, re Walsh-Healey Act of June 30, 1936, 49 Stat. 2036; 17 id. 937, 18 id. 646, and 20 id. 890, re 8-hour law of June 19, 1912, 37 Stat. 137; 15 id. 577, re Bituminous Coal Conservation Act of 1935, 49 Stat. 991; 4 id. 208, and 5 id. 376, re Heard Act of August 13, 1894, as amended, 33 Stat. 811; 12 id. 122, re statutory prohibitions against purchase of foreign products; 19 id. 516, re congressional interest stipulations; and 17 id. 37, re National Labor Relations Act, 49 Stat. 449.) However, for present pur-

poses, it will be assumed that the involved portion of Executive Order No. 9346 should be given the same effect as a statute enacted in like terms, under like conditions, and for a like purpose.

The portion of the order relating to the inclusion of such provisions in Government contracts is addressed primarily to the contracting agencies of the Government rather than to contractors. But such fact would not be material if it be concluded that the order is of a mandatory nature; for, in that event, it would be beyond the authority of a Government officer to execute a contract or lease not containing such provisions. Nor would there be authority in this office in the audit of contract payments to make exception to the order upon the facts and circumstances of particular cases. See, in this connection, 20 Comp. Gen. 890.

Hence, there is for consideration the question whether the section of the Executive order here involved is mandatory, in the sense that failure to comply therewith vitiates the action taken, or whether it is directory only, leaving some discretion in the various contracting agencies of the Government to mitigate literal application of the order in particular cases. See *Vaughan v. John C. Winston Co.* (83 F. 2d 370); *Ballou v. Kemp* (92 F. 2d 556); *In re Hodges* (4 F. Supp. 804). When used in statutes, the word "shall" ordinarily is construed in the imperative or mandatory sense; but courts refuse to adopt that meaning when to do so would do violence to the objects and purposes of the statute as a whole. See *Words and Phrases*, Permanent Edition, Volume 39, page 91 et seq.

The specific purposes sought to be accomplished by Executive Order No. 9346 are clearly stated in its text; namely, to promote the fullest utilization of all available manpower and to eliminate discriminatory employment practices. These aims, it is stated, are based upon the firm belief of the President "that the democratic way of life within the Nation can be defended successfully only with the help and support of all groups within its borders." Obviously, the prime objective is the successful and unimpeded prosecution of the war. And it is in that light that the nature of the section addressed to the contracting agencies of the Government must be regarded; that is, whether intended as a mandate or as a directive.

It is to be assumed that the instances will be few in which contractors will refuse to execute contracts with the Government solely by reason of the inclusion of an anti-discrimination provision. But, in such instances, no useful purpose could possibly be served by a requirement that the Government agency involved could not consummate a contract with such individuals or firms without the provisions in question, especially if the desired service could not be procured from any other source. It seems that the most that can be accomplished by Government contracting agencies in carrying out the national policy of nondiscrimination in the employment of workers as declared by the President is to secure the assent of contractors to such provisions wherever and whenever possible. Otherwise, the net effect of the requirement would be to obstruct the activities of the several agencies of the Government with no apparent compensating benefit.

Accordingly, it is concluded that the paragraph of Executive Order No. 9346 involving the inclusion in Government contracts of a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and requiring him to include a like provision in subcontracts, was intended only as a directive to the contracting agencies of the Government, so that failure to include such a provision will not render

void an otherwise proper contract or render objectionable otherwise proper payments thereunder.

Respectfully,

LINDSAY C. WARREN,
Comptroller General of the United States.

Mr. RUSSELL. So, Mr. President, the Comptroller General in endeavoring to see that the powers of Congress were protected had ruled that the Executive order was merely directive, and was not mandatory. What happened? The President of the United States, when he heard of that ruling by the Comptroller General, wrote a letter to the Attorney General. I shall read from the letter, which is under date of November 5, 1943:

NOVEMBER 5, 1943.

MY DEAR MR. ATTORNEY GENERAL: You have brought to my attention the Comptroller General's opinion holding that Executive Order 9346 is directive only and not mandatory in requiring insertion in all Government contracts of a provision obligating the contractor not to discriminate against any employee or applicant for employment on account of race, creed, color, or national origin; and requiring the contractor to include similar contractual provisions in all subcontracts.

There is no need for me to reiterate the fundamental principles underlying the promulgation of the Executive order, namely, that the prosecution of the war demands that we utilize fully all available manpower and that the discrimination by war industries against persons for any of the reasons named in the order is detrimental to the prosecution of the war and is opposed to our national democratic purposes.

I realize the hesitancy of the Comptroller General to withhold payment on Government contracts in which these provisions have not been included where there is doubt as to whether the order is mandatory.

Mr. President, the Comptroller General did not say he had any doubt. His is an office established by Congress to pass on these matters. He has not expressed any doubt; he had ruled specifically that the President's order could not be mandatory in these cases.

I read further from the President's letter:

I therefore wish to make it perfectly clear that these provisions are mandatory and should be incorporated in all Government contracts. The order should be so construed by all Government contracting agencies.

The letter is signed by the President of the United States, and thereby overrules the Comptroller General, who is authorized by law to decide such questions. The letter orders all Government agencies to put into these contracts provisions which would subject employers, businessmen, and manufacturers to the whims or fancies of the Fair Employment Practice Committee, which has absolutely no legislative sanction.

Mr. WHITE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. STEWART in the chair). Does the Senator from Georgia yield to the Senator from Maine?

Mr. RUSSELL. I yield.

Mr. WHITE. I have been out of the Chamber, in response to a long-distance telephone call. Consequently, I have missed a part of what the Senator from

Georgia has said. But I recall that when he was reading the record it appeared that the powers claimed were said to be based upon the Constitution and upon certain statutes, many of the provisions of which, I think, relate to the powers of the Commander in Chief in time of war. What I wish to ask is whether at any time anyone seeking to justify the orders and the actions of the Committee has specified a constitutional provision or any particular statute upon which reliance is placed.

Mr. RUSSELL. Mr. President, I will answer the Senator from Maine by saying that, so far as I am advised, no person has ever undertaken to assert that any provision of the Constitution or any statutory enactment of the Congress vests any power of this nature in the President or in this Committee. Certainly he had no power, unless it was under the so-called aggregate or cumulative powers to which the Attorney General referred, to thus empower this agency.

Mr. President, if this action overruling the opinion of the Comptroller General, and ordering that all agencies of Government insert in their contracts clauses which would give this Committee jurisdiction over their employment policies, if the assumption of these powers by this Committee over employers, labor unions, railroads, and newspapers, is not legislation by an executive agency, in derogation of the powers of the Congress, then the Congress does not have any power.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MAYBANK. Has the Senator mentioned the railroads which have been cited?

Mr. RUSSELL. I intend to touch upon them before I conclude my remarks.

Mr. MAYBANK. That case not only involves an extension of powers, but, it seems to me, is an indication of sectional persecution.

Mr. RUSSELL. I intend to discuss that matter before I conclude.

Mr. President, under this preemption of legislative power this agency has asserted a great many functions and a great many powers. It has constituted itself as a quasi court. It issues processes to bring persons before it for trial. It has assumed the right to dictate and to control the policies of manufacturing concerns, newspapers, railroads, labor unions, and individual citizens. It has asserted the right to determine when individual employees of those concerns should be promoted, reclassified, or employed in the initial instance. It tells the manufacturers, the newspapers, the labor unions, and the railroads who are before it, either on the basis of a complaint it has received from an individual or, as stated by the Senator from South Carolina, on the motion of any of their employees, what they must do.

Mr. President, before Senators put their stamp of approval on this agency, before they ratify and approve all that has been done in its name, it might be well to look at some of the regulations of

the agency and to see what is their effect.

A few minutes ago, the Senator from West Virginia [Mr. REVERCOMB] expressed doubt that this agency had undertaken to repeal or modify any of the acts of Congress. I respectfully invite his attention to a reading of some of the committee's rulings.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REVERCOMB. I say to the Senator that I did not express doubt, but I called on the Senator to be specific; or, rather, I inquired whether he would be specific.

Mr. RUSSELL. Yes. Now I will be.

Mr. WHERRY. Mr. President, will the Senator state the page from which he is about to read?

Mr. RUSSELL. I am about to read from part 2 of the House hearings, at page 549.

The Committee asserted its interpretation of the Executive order. It asserted as a basis of legality that in the order creating it, it was given the power to make its own rules and regulations. It has undertaken to make its own rules and regulations for the enforcement of the Executive order.

Here is its definition of its power and its interpretation of the Executive order:

1. The words "all contracts hereafter negotiated or renegotiated" include all contracts made, amended, or modified.

It does not say so specifically, but if it has that power, it has the right to force a business or industry under other laws which we have passed for the purpose of renegotiation of contracts, to come in and renegotiate contracts so as to include this clause giving the committee power over the persons employed by the contracting party who has entered into a solemn contract with the Government.

I read further from the Committee's definition of its power and its interpretation of the Executive order:

2. A nondiscrimination provision is required in leases, grants of easements, rights of way, etc., to the same extent that it is required in other contracts.

3. The obligation to include the nondiscrimination clause exists even though the contract involves nonwar activity.

That shows how elusive the agency is and how it has transgressed any reasonable interpretation of any right it might have under any Executive order. It relies, on the one hand, on the war powers, and says, "because we are at war," but when it comes to drawing its rules and regulations under the President's Executive order, it says it has the same right over contracts involving nonwar activity that it has over those which are directly related to contracts made for war purposes.

I hope Senators will listen to this language because, to me, with the old-fashioned faith which I have in the Congress, and my belief in congressional powers, this is one of the most amazing regulations of which I have ever heard, even if it had been issued by an organization which was created by an act of Congress.

I now read paragraph 4 of the statement to which I have referred.

4. The obligation to include the nondiscrimination clause exists even though the contract is required to be awarded to the lowest bidder.

Congress has passed laws absolutely guiding the course of Government agencies in awarding contracts to the lowest bidder. This agency says that it will superimpose upon the congressional action its own provisions and conditions, and that a contract will not be awarded in accordance with the action of Congress unless the contractor follows the ruling issued by the Committee which was created under Executive order. If that is not asserting the right to modify, amend, or repeal the effect of an act of Congress, then I do not understand what it could possibly be.

I read paragraph 5.

5. The obligation to include the nondiscrimination clause exists even though the contract is between a Federal Government agency and a State agency or subdivision of a State.

Some Senators in times past have referred to their belief in some scintilla of rights in the States. Here is an agency which, without a line of congressional authority, assumes to tell a sovereign State what practices or policies it may follow before it shall be allowed to enter into any agreement with the great Union of States which is represented by our Central Government in Washington. What does the right of a State amount to when the Committee on Fair Employment Practice can tell the State what it shall or shall not do?

I now read paragraph 6:

6. The obligation to include the nondiscrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

Mr. President, there are several remaining paragraphs which I shall not read, but I ask unanimous consent that they be printed in the *Record* at this point as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the *Record*, as follows:

7. The nondiscrimination provision required does not refer to, extend to, or cover the activities or business of the contractor which are not related to or involved in the performance of the contract entered into.

8. Inclusion of a nondiscrimination provision is not required in contracts the performance of which does not involve the employment of persons.

9. Inclusion of a nondiscrimination provision is not required in contracts with foreign contractors for work to be performed outside the continental or territorial limits of the United States where no recruitment of workers within the said limits of the United States is involved.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. A moment ago the Senator stated that the agency which is now under discussion had originated the practice of filing protests and causing difficulties between contracting parties and others. To the Senator's knowledge,

has the agency ever caused strikes or any difficulties in that respect?

Mr. RUSSELL. Before I conclude I shall cite one or two instances of the committee's action in regard to labor difficulties referred to by the Senator from Nebraska. I shall explain how the committee went even beyond the limits of the Executive order, broad and sweeping as it was, and involved itself in a labor strike in a very critical war industry which lasted for several weeks.

Mr. President, if this agency, which was created by an Executive order, has the powers which are asserted in these rules and regulations, of repealing and modifying acts of the Congress placed upon the statute books years ago, the Congress is an absolutely useless expense to the American people. It should adjourn sine die, and cease to exist once and for all, if an agency which was created by Executive order has the right to modify, amend, or repeal a solemn act of Congress. If the committee can overpower the Congress in anything it seeks to do Congress should cease functioning and allow the committee to take over all responsibilities. If the agency under discussion, a little creature of Executive order, can overpower an act of Congress, then Congress cannot justify its existence.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REVERCOMB. I have listened with interest to the able discussion of the Senator from Georgia and in the presentation of his views. I, as he, have read from page 549 of the printed hearings the committee's statement of its interpretation of the Executive order. Is there any method provided for going to the courts and testing the validity of any act of the committee under the statement of its powers?

Mr. RUSSELL. That question is the same as the one which was asked by the Senator from New Mexico.

Mr. REVERCOMB. I am sorry; I did not hear the question when it was asked.

Mr. RUSSELL. If a man only followed the law prescribed by Congress and was the low bidder and was refused the contract how could he bring the Government before a court? If he followed the law of Congress but refused to follow the law of the Committee on Fair Employment Practice by declining to give them jurisdiction over his business, what recourse would he have? He cannot sue the Government.

The President has sent word through his Attorney General that such clauses are mandatory. When the Comptroller General said that there was no law for such a practice, the President told the agencies through the Attorney General that the practice was mandatory. How could a mere citizen obtain any redress in court? The Senator from West Virginia is an able lawyer. For approximately 12 years I was in the active practice of law. I know of no method of securing relief in such a case through the courts. The citizen depends on the Congress for fair treatment at the hands of his Government. In the future, if this amendment

is approved, he must look to this Committee.

Mr. President, if this Committee has the power to which I have referred, it has the power to take away from an owner of an apartment house, should he have a Government contract, the right of selecting his tenants. There might be no relation whatever between his contract and his apartment house, but the Committee would have the power, apparently, to tell him it would take the contract away from him unless he allowed anyone willing to pay the necessary rent to become a tenant of his apartment house. If the Committee has such power, it has the power to cancel any provision in a deed to real estate which undertakes to place a restriction upon a person or race of people which might occupy the premises sought to be conveyed. The Committee would have the right and power to cancel contracts, and to superimpose upon the acts of Congress any requirements which it might exact. Such powers would include the cancellation of a solemn deed to land merely because it contained some clause restricting the occupancy of a property to a colored man, a white man, or a Chinaman, to the exclusion of every other race.

Mr. President, Congress cannot approve the requested appropriation without in effect abdicating. Congress cannot approve the appropriation without endorsing the right and power of the executive department of government to legislate.

Allow me to read from the pending bill the language to which I refer, and then conclude as to whether what I have stated is not true:

For all expenses necessary to enable the Committee on Fair Employment Practice to carry out any functions lawfully vested in it by Executive Orders Nos. 8802 and 9346—

And so forth. As I have already stated, when the amendments were first read, the consciences of some of the members of the Committee who were expecting to vote for this proposal needed a soporific, and therefore the language was changed so as to read: "Any functions lawfully," Mr. President, those words mean absolutely nothing. This agency has already told the Congress what it believes its powers to be under the Executive order. Congress cannot approve the appropriation without approving and endorsing every act, rule, regulation, policy, and all the procedures of this agency, and authorizing it to go even further in the future. Senators cannot wash their hands, Pilate-like, and say, "I hope the agency will do it lawfully," because the F. E. P. C. have already served notice how they will proceed.

I might point out that the Chairman of this organization stated at the hearings that the Committee assumed that each and every power they have undertaken to exercise is lawful, and, therefore, the change in the language of the amendment would have absolutely no effect on their actions.

The vote on this amendment will determine the sincerity of all those who have asserted opposition to government by bureaucracy and by Executive decree.

No Senator who really believes in the power and the right of Congress to legislate can vote to approve this assumption of legislative prerogatives by the Executive. No Senator can condemn such assumption in one instance and approve it in others. If any Senator wants to claim that he votes for this amendment because the Congress has not taken any action, then he is admitting that the Congress is impotent that it cannot act and that it is, indeed, useless, as many of our critics are asserting today. In this case when the vote comes Senators have either got to vote for constitutional government and to preserve the coordinate powers of each branch of that government, or vote in favor of the philosophy of government by men and when they do that they will admit that democracy through representative government has failed. I assert that Senators who are tempted to vote for this amendment for political reasons but still have some interest in preserving the private-enterprise system will do well to consider this matter carefully in all its aspects before voting for the amendment.

Until now this agency has had a rather tenuous grip on life; it has had to depend on allocations from the President's emergency fund for money to support it. The agency has never received any recognition whatever from the Congress. For this reason it has been treading rather softly, and when its efforts at government by intimidation have been challenged the attempt at enforcement has been cautiously made. But the whole pattern of this organization and its methods clearly demonstrate what we may expect if the Congress approves this agency and recognizes the validity of the Executive order creating it. If we shall adopt this amendment we will not only have ratified all the actions of the F. E. P. C. up to date, their rules and regulations that repeal acts of Congress, and all the policies they have adopted; but if we approve it, with the group that is in charge of it, we will have made the sky the limit and the world their field for future operations. I hope Senators will mark that prediction.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. I should like to ask the Senator a question. Of course, I realize he is not speaking merely for the Record, but in all sincerity. In the event, however, that the amendment of the committee is rejected and we do not grant the appropriation after consideration of the amendment, what is to prevent the President of the United States continuing this agency as it is now being operated under the executive branch of the Government?

Mr. RUSSELL. I might say that nothing would prevent it from operating, but the amendment which on my motion was placed on the independent offices appropriation bill would prevent any members or employees of the agency from drawing any money after the 1st day of July.

Mr. WHERRY. That is, from any appropriations we might grant to the agency?

Mr. RUSSELL. Oh, no; not only from any appropriation we might grant to the agency, but from any other funds of the Federal Government.

Mr. WHERRY. Does not the Executive have funds provided by appropriations for the Executive Office?

Mr. RUSSELL. Yes; but he could not use them for the payment of the salaries of members of this Committee.

Mr. WHERRY. Is the Senator absolutely sure in his conviction that in the event this appropriation is denied the agency will not be able to use money from any other source?

Mr. RUSSELL. The amendment to the independent offices appropriation bill prevents such use of funds. Unless the President wants to discharge the Comptroller General of the United States and take over his office by force of arms there can be no way after the first of July to pay the expenses of the F. E. P. C.

Mr. WHERRY. What about borrowing the money from the R. F. C. and other organizations, as the money to pay consumer subsidies is now provided?

Mr. RUSSELL. As to the consumer's subsidies with which I am familiar, most of the funds to pay them are derived from the Commodity Credit Corporation.

Mr. WHERRY. From the R. F. C.

Mr. RUSSELL. No; from the Commodity Credit Corporation.

Mr. WHERRY. The Commodity Credit Corporation pays the subsidies, but they get the money from the R. F. C.

Mr. RUSSELL. The money is paid from the funds of the Commodity Credit Corporation which has a loan authorization, as I recall, of \$3,000,000,000.

Mr. WHERRY. I am sincere about this matter. The Senator is making an able presentation, I appreciate his remarks, and I am open-minded and want to get the facts. On the question of appropriations, I am wondering if there will not be another way, despite the position the Senator takes, to circumvent it by the use of another appropriation?

Mr. RUSSELL. I will say to the Senator it cannot be done, and I shall tell him why. This agency has been in operation since 1941. The President never sent in a Budget estimate and never came before Congress asking for a dollar for this agency. It has been financed from its inception from the President's emergency fund. After the Senate approved the amendment which I offered to the independent offices appropriation bill, which the Senator from Nebraska may recall, the President, for the first time, sent in a Budget estimate, asking congressional approval for this agency. In my judgment, that is recognition that the agency could not exist after the first of July if the Senate strikes this item from the bill.

Mr. WHERRY. I thank the Senator.

Mr. RUSSELL. I thank the Senator from Nebraska for his interest and for giving me a hearing on this matter, which I regard as being fundamental. I think it is one of the most important issues which have been before the Sen-

ate in a long time. This matter is sufficiently important for every Member of Congress to look into the background and philosophy of those who are directing this organization before they issue such a blank check as is here proposed to provide it with the powers they have assumed.

Some of the members of this board and many of the field personnel in the regional offices who occupy quasi-judicial positions, some of those who serve as prosecuting attorneys in handling complaints before this board are members of organizations and groups which have been branded as subversive by the Attorney General of the United States as well as by the Dies committee. I shall not now go into the details, but I could discuss the matter for some time and mention names. Some of the members of this board and many of their field representatives have been branded as members of subversive groups by the Attorney General of the United States, or at least the groups to which they belong have been branded as subversive.

Senators would best look into the set-up of this organization, and those who are administering it, before they decide that they want to entrust into their hands the future destiny of free American business and enterprise. If the powers claimed are approved, without a single legislative standard or any safeguard whatever thrown about them, when we vote the money, it is no exaggeration to say that we will have gone a long way toward nationalizing or socializing American business.

Mr. REVERCOMB. Mr. President—
The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. RUSSELL. I yield.

Mr. REVERCOMB. Is there extant any other executive agency in the same position, exercising powers without congressional authority, without any limitation whatsoever upon the power it assumes to exercise?

Mr. RUSSELL. I do not know of any that has undertaken to haul people before it on a citation and impose sanctions on them. That is why I said at the outset of my remarks that, while this agency has political appeal, on the basis of being a pure question of government by men without sanction of law, we could never have a more clear-cut issue than is here presented. I do not know of any of the other agencies which are operating without any legislative sanction or approval which have undertaken to hale citizens before them and try them as if they were a court, force them to cancel contracts between employer and labor unions, and to prevent them from installing separate toilet facilities for two races when there is a strike over that question, when the workers have been willing, but the agency said: "No; it would be a discrimination to put up a partition."

As I stated, we will have gone a long way toward nationalization or socialization of business. All that would be nec-

essary would be for a man to bring a complaint and say, "I am capable of filling a certain position in this plant," some strategic position, some key position. If this board decides he is entitled to the position, the employer has to give it to him. The subversive groups which are here represented can infiltrate into American business, and the troubles we have had in the past will not be a circumstance to those we will have in the future.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHITE. The Senator said that if an employee brought a complaint, certain results would follow. Is it or is it not true that a representative of the Board could initiate a complaint, that it must not necessarily be initiated by an employee?

Mr. RUSSELL. They assert that power. However, they said that they had exercised it only in some 150 cases, I think. They said they had the power, particularly in the case of advertising, that on their own volition they had the right to go into a newspaper plant, where the paper had advertised for a certain type of employee and stop such advertising on the ground it was discriminatory.

We all know that in this period, today, the right to deny a Government contract means life or death to American business. There is not a great deal of private manufacturing which can be done. Manufacturing concerns cannot secure the priorities, they cannot secure the raw materials, with which to manufacture civilian products. When there is the right to deny a contract, or the power to deny, which is asserted and enforced by this organization, that is the power of life and death over American business, American enterprise, and American industry, and every Member of the Senate knows that statement to be true. The industry and the businessman must either submit themselves to this organization and its dictates or go out of business, a choice between sudden death or slow death, it seems to me.

The right of appeal has always appeared to me to be inherent in any American system. In this case there is no right of appeal, and the action of the Congress in appropriating, with full knowledge that this organization is assuming these broad powers, will open the door to more complete domination of American business and industry than it has ever experienced in the past, or has ever dreamed of for the future. When that day comes, when, after this organization has been approved, and it is feeling the flush of congressional power, let no Senator say then, when he has a complaint for a harassed constituent that he was not warned of the consequences of his vote in voting to approve this organization and the powers it has asserted by virtue of a naked Executive order.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. WHERRY. Does the Senator know of any specific case in which this organization has, through another Government agency, withheld priorities or material, or in some way enforced, through another office, a directive to compel the enforcement of another agency's directive?

Mr. RUSSELL. I have not made an exhaustive investigation into that. Undoubtedly, if they have any power at all under the President's order, they have that power, because he gives them the right to call on any other agency to enforce their rulings.

Mr. WHERRY. I agree with that statement.

Mr. RUSSELL. I know it is shown in the House hearings that when the question was raised of inserting in contracts the clause to which I have referred—and I think this involves renegotiation, as well as the making of the contract in the beginning—and a man refused to renegotiate and subjected himself to their jurisdiction, they went to the War Department, and the War Department, on the threat of withdrawing the contract or canceling it, forced him to put the clause in the contract.

Mr. WHERRY. Did the Senator say that was a specific case he knew of?

Mr. RUSSELL. I did not say it was a specific case. I said that it was stated that that was the procedure.

Mr. WHERRY. I wish to say to the distinguished Senator from Georgia that one of the reasons for the amendment, the new section 3, in the bill extending the Price Administration, which the Senate recently passed, was a desire to prohibit the Office of Price Administration themselves using a directive in order to get the performance of a directive in some other office. In other words, a farmer was precluded from getting gasoline if he did not sign up with the triple A. I think that power should be curtailed. I do not believe Congress should permit one agency, through a directive, to see that another directive is enforced through another agency.

Mr. RUSSELL. The Congress has never recognized this agency, as we are asked to do now. Heretofore it has had to depend on some agency which has been created by the Congress to enforce its decrees, and let me state what the record shows. I refer to page 548 of the House hearings. The director of the field service of this organization was testifying:

If the employer has a contract with a Government agency, such as the War Department, the War Department is advised of his recalcitrance, since the employer is obligated by his war contract not to discriminate, and we ask the War Department to use its best offices to bring the employer in line.

Mr. REVERCOMB. From what page is the Senator reading?

Mr. RUSSELL. From page 548. Listen to this:

Usually this is done without any compulsion.

Usually it is done without compulsion. Of course, a man who has a contract with

the War Department will be cited before them, and the Department will say, "You have to upgrade these 400 employees and pay them \$8 a week more because you are underpaying them, in view of their skill."

The man replies, "I don't think so. I am not going to do it."

The next day he finds the contracting official of the War Department at his door, who says, "Mr. Jones, we have given you a good deal of business, and you had better go along with the Fair Employment Practice Committee."

What is he going to do? Of course he will increase the wages. It is government by blackmail; in a way, it is government by intimidation, but it is the most thoroughly effective method of enforcement of which I can conceive.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. Does the Senator know whether this rule has been employed with respect to a nonwar contract?

Mr. RUSSELL. I do not know that it has; but I read the regulations wherein the Committee asserts the power, and if Congress grants the appropriation and thus sanctions the power, I think the Committee will start in on nonwar contracts.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CHAVEZ. Do I correctly understand from the Senator's statement to the effect that a member of this Committee might go to a contractor who had a Government contract and say, "Either you comply with the fair employment practice or your contract will be canceled," that the Senator from Georgia does not believe in fair employment practices even by a contractor who has a contract with the Government?

Mr. RUSSELL. I believe in fair employment practices which are established by the Congress of the United States. When the Congress of the United States ever legislates in this field Senators will not hear any complaint from me about the matter of appropriations to enforce it. I believe in appropriating funds to enforce the acts of Congress, but I am bitterly opposed to appropriating funds to enforce an act which has no legal basis other than an Executive order.

Mr. CHAVEZ. Is this the first time an appropriation has been requested by an agency of the Government which was created by Executive order?

Mr. RUSSELL. This is the first time to my knowledge that such an agency as this has been involved. I will not assert it as a fact, because I have been here only 10 or 11 years, and it may have slipped by without my knowledge. I have, however, tried to keep up with matters affecting appropriations, and this is the first time to my knowledge that an agency which has assumed power to cite people before it and has endeavored to enforce compliance with its orders, ever sought an appropriation when there was no congressional authorization for the

agency. There may have been, but I do not know of any such case.

Mr. CHAVEZ. Is this the first agency created by Executive order that has requested an appropriation from Congress?

Mr. RUSSELL. Oh, no. Of course there have been a great many agencies created by Executive order which the Congress has directed the President to create, and there have been others created by Executive order which did not assert any rights over citizens, such as, for example, the agency which deals with congested areas. That agency has asserted no rights or powers. The President created an agency to coordinate the efforts of the different relief agencies in soliciting contributions for relief, but that agency has no power and no authority, and does not assert any power or authority. This is the first time to my knowledge that an agency which has asserted the power of a court to prosecute, to try and to punish the American businessman, has come to Congress and asked for an appropriation when its only basis for existence is an Executive order.

Let me read from page 559 of the hearings of the subcommittee of the Committee on Appropriations of the House:

The CHAIRMAN. Well, now, do you have any means, does the committee have any means by which it can compel compliance in connection with private industry and unions?

Mr. ROSS. The final answer is "No," sir; but on the way up you have contracts in which it is mandatory for the contracting agency to see that the contractor puts a nondiscrimination clause in, and, presumably, there are sanctions that can be imposed by the contracting agency. The greatest one would be to abrogate the contract.

So the witness asserts the power to abrogate a solemn contract entered into between the Government and one of its citizens, if the citizen is not willing to permit the agency to take over his employment policies and direct whom he shall hire and what employee shall or shall not be promoted within his plant.

Mr. WHERRY. Mr. President, will the Senator yield again?

Mr. RUSSELL. I yield.

Mr. WHERRY. Was the witness Mr. Ross?

Mr. RUSSELL. Yes, the Chairman of the Committee.

Mr. WHERRY. He is the head of the organization?

Mr. RUSSELL. He is the Chairman of the Committee; yes.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUSHFIELD. In the Senate subcommittee hearings I notice on page 168 an examination conducted by the distinguished Senator from Georgia in which this question was asked:

I have a letter here from a manufacturer in the State of Massachusetts who complains that the United States Employment Service had requested that in advertising for help to fill positions he require that applicants bring their birth certificates with them and that when he did so he was cited by the Fair Employment Practice Committee for following an unfair employment practice.

Now there are two agencies of the Government directly opposed to each other in the orders they give, and I should like to have the Senator, if he will or can, point out to me in the statutes where this Committee has any authority to cite an industry for asking for the birth certificate of a prospective employee.

Mr. RUSSELL. As I just stated, Mr. President, I do not think they have any authority whatever over anyone. I do not think that any President of the United States who ever lived has the power, without a single line of legislation, to create an agency to examine and try an American citizen, unless there has been an act of Congress with respect to it. He cannot do it by Executive order. But the way this thing has been set up, the punishment is just as sure as if the agency had the power, and it is much more effective, because they can punish the man and deny him the right of appeal, by going through the process of letting this agency order another agency created by Congress to cancel a contract.

When the War Department cancels a contract because the manufacturer would not subject himself to this Committee, what is the individual to do? He has no right of recourse in the courts. He cannot come into the courts and sue the War Department for withholding the contracts. He is powerless. He is helpless. He is subjected to this Committee created by Executive order, without the right of appeal, which the Congress would no doubt have provided if we had set up the agency.

Mr. WHERRY. Is there a court of appeal within the Committee?

Mr. RUSSELL. There is not any court of appeal, except appeal can be taken from one of the regional offices to the Committee in Washington.

Mr. President, I assert in all seriousness that this agency has been political in its handling of its affairs. It is directly allied with political organizations in this country that are endeavoring to take over the Democratic Party and attempting to destroy the Republican Party. This agency is one of the pets of the Political Action Committee which is trying to take over the Democratic Party by sapping, undermining, and absorption, and it is attempting to destroy the Republican Party by direct frontal attack.

There is no agency that has been so active in attempting to promote the appropriations and the powers of this Committee, as the C. I. O. and its subsidiaries. I have here this week's issue of the News Flash of the N. A. W. C. I. O. issued from Washington. It contains what to me is the most insulting statement I have ever seen printed in any periodical. I may say to Republican Senators in all candor that while I am a Democrat, in my judgment they are not going to get very far or get very many votes by voting for this organization, because it is a child of the C. I. O. The American Federation of Labor or its affiliates has been one of the principal targets of some of this committee's work. It is not going to support the Republican

Party. This paper says it has tied all the 35 Republicans together, and it undertakes to knock all of them down at once by saying that they just rendered lip service to the poll-tax movement by supporting the constitutional amendment, and it does not credit a single Republican for voting for cloture. Some Republican Senators were so misguided as to be in favor of cloture and to be in favor of the bill, but the C. I. O. committee do not give them any credit for it. So far as this C. I. O. organization is concerned all 35 are tied together, and are to be damned together with the Southern Bourbon Senators and poll taxers.

Mr. REVERCOMB. Mr. President, will the Senator yield.

Mr. RUSSELL. Perhaps I should not have made that statement.

Mr. REVERCOMB. I simply rose to say that when that attack comes I hope the Senator from Georgia will rise to our defense.

Mr. RUSSELL. Perhaps I shall have my own hands full, as I will show before I conclude. I wish to read now from a statement by the political action committee. They say the F. E. P. C. had a narrow escape in the House.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. Would the Senator again repeat what he said with respect to the poll-tax matter? I was distracted for a moment and did not hear his statement clearly.

Mr. RUSSELL. I said that the C. I. O. committee tied up all the 35 Republicans together, and undertook to knock all of them down at once by saying that they merely rendered lip service to the poll-tax movement by the constitutional amendment, and without crediting a single one of them with having voted for cloture. I think the Senator from Nebraska did so, but one can never tell by reading from this statement made by the Political Action Committee that the Senator did. They are all tarred with the same stick by this organization. They get no credit at all for having voted for cloture.

Mr. WHERRY. I think in all justice I should say that it was not at all a question with me of how much I could get out of the matter politically.

Mr. RUSSELL. I did not say that.

Mr. WHERRY. I am sincere in my statement. I think the way to settle the poll-tax question is by adoption of a constitutional amendment. I voted for House bill 7 in the committee and for cloture. Now that the Senator has mentioned it, let me say that the distinguished Senator from Wyoming [Mr. O'MAHONEY] made the statement in the press that I voted against his amendment in the committee and then came to the floor of the Senate and voted for House bill 7. I wish to make the matter clear. I am interested in the poll-tax measure. I believe that the poll tax should be eliminated. I am sincere in that belief. The reason I voted against the O'Mahoney amendment in the Ju-

diciary Committee was that it was a substitute for House bill 7, and the Senator from Wyoming tried to kill the bill in the committee. I wish to have that understood. I am for the constitutional amendment. I am sincere about it. There are no politics involved. But when we recur to the agency which is under discussion, we are speaking about an entirely different thing. We are speaking about creating an independent office by Executive order, without legal sanction, and circumventing the Congress. It is not a question whether this race or that race, or this creed or that creed is discriminated against. The question is, Are we to permit the Executive to establish an independent office contrary to the will of Congress and without specific congressional authority?

Mr. RUSSELL. I think the fair question is, Are we going to violate the Constitution of the United States?

Mr. WHERRY. That is correct.

Mr. RUSSELL. I thank the Senator for his statement. I wish the Senator to understand that I was not impugning the consistency of the Senator from Nebraska. I was referring to the inconsistency of the political action committee, tying all the distinguished Republican Senators together, though they differ in their convictions, and painting them all with the same brush, and condemning them all with the same breath. It was inconsistent on the part of the political action committee. It was in keeping with the action of this committee to offer a gratuitous insult to many Senators on both sides of the aisle. In discussing the F. E. P. C., the political action committee says:

The fight now goes to the Senate Appropriations Subcommittee. This committee is loaded against F. E. P. C.

I wish that statement had been true. It developed that the political action committee had much more power in the Appropriations Committee than it had anticipated.

This committee is loaded against F. E. P. C. The greatest pressure must be put on every Senator to appear before the committee and make public statements to save the F. E. P. C. Also ask him to demand a record vote on the floor of the Senate.

Mark well these gratuitously insulting words:

Most northern Senators will not risk a public vote against fair employment practices for Negroes—not in 1944, anyhow.

That is a gratuitous insult to the courage and integrity of any Senator who happens to be from the North.

The political action committee does not confine its activities to Republicans. The Senator was asking about my support when the political action committee was involved in a campaign. Let me read this telegram addressed to me:

We consider your activities against F. E. P. C. in Senate a mockery of liberty and freedom of speech.

I do not exactly understand the freedom of speech part.

Continuance of your fight against democratic legislation will lead you inevitably to

the same fate suffered by your brothers in prejudice, Messrs. DIES and STARNES—political bankruptcy.

The telegram is signed "Political Action Committee, B. I. J. U. C. Employees."

Mr. President, I may suffer political bankruptcy. I shall not like it any more than anyone else does. My will to win in a political campaign and my desire to hold exalted public office is about as strong as that of any other Member of this body; but I pray that that will to win and desire to hold public office may never be so strong as to drive me into voluntary moral bankruptcy. My position on this proposition may drive me into political bankruptcy, which will be involuntary; but if that day comes I hope I can walk out of this body with an unfettered conscience and the satisfaction of at least having done what I thought was right.

Mr. President, this F. E. P. C. is not only a political agency from that standpoint but it is a political agency because of its other operations. It was commanded by the President to go into all the Federal agencies and to see that there exists no discrimination in employment because of race or religion.

Any visitor to any of the departments of government in Washington, I care not how ardent a nondiscriminator he may be, will see plenty of evidence that the Committee has performed well the duties with which it was charged by the President. There has been no discrimination, so far as I know, against any race which belongs to a minority group. But as evidence of the political nature of this agency, when it comes to its own personnel, we find that it is overwhelmingly Negro. It has not hesitated to discriminate against the white race in its own employment policies. The Negro population of this country is slightly less than 10 percent, but the record discloses that two-thirds of the employees of this agency are Negroes. I mention that fact to show the political nature of this agency.

The record shows that this is probably the highest-paid agency in the Government. The average salary of the employees of this agency, without overtime, amounts to \$3,015.40 a person. Mark that. That is the average salary in this agency, as compared with an average throughout all the civil service in all the other agencies of only \$1,700—nearly twice as much.

Why is it necessary to have so many high-salaried persons in this agency, if it is not shot through and through with politics, and is not a political agency? Six of the field offices, in regions where the vast majority of the complaints have arisen, are presided over and directed by Negroes. The hearings disclose that only 44 of the more than 4,000 cases over which this agency has assumed jurisdiction have ever reached Washington for determination. Eighty-five percent of the total number of cases involved Negroes, and the overwhelming majority of them have been decided in the field by the regional offices. I say that some of the appointments are political, and I

again invite Members of the Senate to look into the background of those who occupy these important positions; before they vote to perpetuate this agency.

As another evidence of the political nature of this Committee, I point to the different policies pursued in similar cases, cases which are practically identical in their nature, but which arose in different jurisdictions.

This Committee cited the Philadelphia Street Railway Co. for discrimination. The management and the labor union had a contract which had the effect of excluding Negroes from jobs as conductors or engineers. Mr. Ross and one of the Negro members of his Committee—one Webster, who I think is connected with the Pullman Car Porters Union—went to Philadelphia and conducted hearings.

The union absolutely refused to do anything about it. The Committee finally got the employer in a position where he was willing to do something, but the labor union said, "No; we have a contract, and we refuse to set aside and abrogate our contract simply because your Committee wishes us to do so."

In another case a great many railroads were cited for discrimination. The railroads had contracts with the brotherhoods which, frankly, had the effect of excluding the Negro from employment as conductor or engineer. Twenty-three railroads were cited. Although there was not a Negro conductor in the United States on any railroad line, the Committee referred to the President, and highly publicized, only the cases of 14 labor unions and 14 railroads in the Southern States which had refused to abrogate their contracts between labor and management and employ Negroes as conductors and other officers on their trains. Nothing has been done in the Philadelphia Street Railway case. That company refused, and has not yet moved, to accept a Negro as an engineer or conductor. But the southern railroads case, in which there was a similar refusal, was publicized from one end of the country to the other. This man Randolph, who is head of some committee, ran full-page advertisements publicizing the decision shortly after it was delivered, exalting the Committee's action in many daily newspapers.

The southern people and the southern railroads have been pilloried because of the contract between the railroads and the railroad brotherhoods which prevented a Negro from being employed as a conductor or an engineer. Mr. Ross testified before the committee. I asked him the question, and, evasive and clever as he was, he finally admitted that he did not know of a single railroad in the United States which had a Negro conductor. But he picked out the southern railroads in an attempt to bring to the support of his Committee all the people who are prejudiced against certain social customs which are a part of the warp and woof of southern civilization. He had the southern railroads cited to the President—although he has ignored those in other sections of the country—even

though there was not a Negro conductor or engineer on any railroad in the United States. He has ordered the cancellation of the contract with the labor unions in this order to the southern railroads to employ Negro conductors and engineers. Mr. President, it is the most nauseating political move which has ever been attempted in the United States.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHERRY. Is Mr. Ross the head of the Fair Employment Practice Committee?

Mr. RUSSELL. Yes; and it was he who testified.

As I say, the move was simply one to pillory my people and to rally to the support of the Fair Employment Practice Committee all the extreme left-wing groups in the country who are not satisfied unless they can come into the South and tear down our social order.

In the South we have segregation. It is approved by the whites and blacks alike. The white people have pride in their race, and they want the colored people to have pride in their race. We deal fairly with the colored people in our employment practices. I do not mean to say that is true in every instance any more than it would be true in other sections. But the southern railroads employ thousands of Negro firemen, brakemen, and trainmen, whereas the other railroads of the country have few. Yet this group came into the South and tried to make a gruesome example of the southern railroads by citing them to the President. I am glad the railroad brotherhoods and the southern railroads defied this organization and told it to go ahead and do its worst.

Mr. WHERRY. Mr. President, will the Senator yield further?

Mr. RUSSELL. I yield.

Mr. WHERRY. I am interested in the enforcement provisions. Was any finding made by the Committee in the Philadelphia Street Railway case?

Mr. RUSSELL. The Committee never determined it. It never cited it to the President. The unions refused to accept a Negro conductor. But in the southern railroads case the Committee cited the southern railroads to the President.

Please bear in mind that the Committee started with a case against 23 railroads. Involved in that case was the Pennsylvania Railroad and other railroads in this area. None of those railroads employ Negro conductors. But when the F. E. P. C. made its citation to the President, it did not cite the Pennsylvania Railroad or the Missouri, Kansas & Texas Railroad or the Baltimore & Ohio Railroad, but cited only the 14 railroads which operate in the South. I mention that as showing why the activities of this organization are abhorrent to any person, black or white, who believes in fairness.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MAYBANK. With his permission, I should like to read to the distinguished Senator from page 171 of the Senate subcommittee hearings. The

Senator from Georgia asked the following question in the Appropriations subcommittee:

Senator RUSSELL. Do you mean to say that the order you issued in that case did not specifically mention the positions of engineers and conductors?

Mr. Ross. It said not to discriminate among railway engineers, conductors, firemen, and the rest. They were asked to take certain steps to begin to comply with this order, and they took no steps whatever, sir.

Senator RUSSELL. That was against both the railroads and the unions?

Mr. Ross. It was.

As a matter of fact, as the distinguished Senator has said, the F. E. P. C. did not give the railroads time to do anything. It brought a case against the southern railroads, although some of the testimony shows that less than 10 percent of all the cases originated in the South.

Mr. WHERRY. Mr. President, will the Senator yield for a further question?

Mr. RUSSELL. I yield.

Mr. WHERRY. By what right did the Committee so proceed? That is what interests me. By what right did the Committee bring a case against the railroads? Upon what theory did it proceed? I should call the railroads a non-war industry.

Mr. RUSSELL. Of course, Mr. President, the Government is using the railroads for transportation. But some of the people who are employed by the railroads filed a complaint. They had filed them in the cases of all railroads throughout the United States.

Mr. WHERRY. By what authority?

Mr. MAYBANK. By the asserted authority of the War Powers Act.

Mr. RUSSELL. Or by authority of the so-called aggregate of powers.

Mr. WHERRY. Is that stated in the complaint? Does the Committee state in the complaint under what authority it complains?

Mr. RUSSELL. There are a number of cases. The F. E. P. C., on the assumption that it was just as legal as if it had been created by a solemn act of Congress, received complaints. The F. E. P. C., on the assumption that it had the power, as I have heretofore shown, even to override an act of Congress, and on the assumption that it was just as legal as if it had been created by an act of Congress, issued a citation. I do not believe the railroad unions ever submitted themselves to the jurisdiction of the Committee.

Of course, the issuance of the citation against the railroad brotherhoods was partly political. The C. I. O. was delighted to see the railroad brotherhoods cited. The move was a political one against both the railroad brotherhoods and all of us in the South, for recently it has become popular to criticize us and to call us Bourbons and everything else.

Mr. MAYBANK. I read from the committee hearings, at the bottom of page 171:

Senator RUSSELL. I wish you would put the order in the record.

Mr. Ross. I think there is a distinction, Senator. I might say that on the House side

we put a carefully thought-out presentation of our views in the record.

Senator RUSSELL. I want to get a copy of the specific order in this case, if you issued an order.

Then follows a three-page presentation entitled "Summary, Findings, and Directives."

Mr. WHERRY. I thank the Senator.

Mr. RUSSELL. Mr. President, I would be less than frank if I did not say that a thousand orders from a thousand such committees are not going to change the views of the southern people on the question of segregation. I have asserted that we deal more fairly than some other sections with the Negro in employment. An eloquent testimony to that fact, Mr. Ross himself asserted that less than 10 percent of the claims filed with him originated in the South.

Of course, when it came time to publicize a case, they picked the case of the southern railroads.

Mr. President, that action and the general tenor of the organization's movements in its efforts to make us conform to its ideas have done more to stir up bitterness and dissension in the South than anything else which has happened there for many years. This is unquestionably true. Disunity and dissension between the races have been created, rather than unity. Instead of expediting the war effort, the F. E. P. C. is impeding it. Its activities have had the effect of alienating many of the best friends the Negro has ever had and have caused bad feeling between the races.

Mr. REVERCOMB. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. REVERCOMB. This is a matter which has puzzled me a little with respect to the southern railroads case. What pressure or what method of getting at the railroad companies did the Committee have? I can understand that when it called in one who had a war contract it might threaten to cancel his contract or to have it canceled through some other agency. How could it bring pressure to bear on the southern railroads? Why did the southern railroads submit themselves to the jurisdiction of the Committee?

Mr. RUSSELL. I do not know that they ever submitted themselves to the Committee's jurisdiction. They appeared, and protested the jurisdiction.

Mr. REVERCOMB. Why did they answer or respond, if they take the position that it is illegal?

Mr. RUSSELL. Mr. President, during the last 2 or 3 years it has been very difficult for the average American citizen and businessman to differentiate between a creature of Congress and a creature of an Executive order. When he receives a citation with the seal of the United States upon it he does not go into that matter so far.

The railroads which were cited merely appeared and protested the jurisdiction. I do not think they examined all the witnesses. The labor unions did not apply for an opportunity to examine the witnesses. When the Committee issued the order against the southern railroads,

canceling their contract with the railroad brotherhoods, the railroads flatly stated they would not comply, and the labor unions took the same position. Of course, that rather nonplussed the Committee. It had no statutory authority to proceed. Its only weapon was cancellation of the contracts. In its haste and enthusiasm it had cited all the southern railroads. The contract of one railroad could not be canceled without preventing the shipment of war goods over all southern railroads. Several hundred thousand soldiers were stationed in the South, and they could not very well be moved. However, the case is still open. When it was reported to the President he did not say there was nothing the Committee could do about it. He did not undertake to enforce sanctions, but appointed an entirely new committee to consider only the case of the southern railroads. That committee is now in session, and I do not know what action it will eventually take against the southern railroads.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. REVERCOMB. Has the Attorney General advised the President, or has the President threatened to use soldiers to seize the property of the railroads which the Senator mentions?

Mr. RUSSELL. No; but in my judgment if the Congress of the United States should approve this provision and ratify all that has been done up to the present time, the next logical step would be the seizure of industrial plants and business establishments should they refuse to conform to the rulings of the Committee. I have heard that some people assert that the Committee had the right to impose sanctions of seizure of a plant under the powers which were ostensibly vested in the Committee by the statutes, by the Constitution, and by the War Powers Act.

Mr. REVERCOMB. I gathered from the reply of the Senator that the President and the Attorney General think more of the southern railroads than they do of Montgomery Ward & Co.

Mr. RUSSELL. I do not know about that. The matter arose under different circumstances, but the committee evidently thought more of the railroads operating in West Virginia than they did of the southern railroads, because they cited them. Therefore, the Senator from West Virginia might have exercised some influence with the President's Committee, an influence which was not available to the Senator from Georgia or to Senators from some of the other States.

Mr. REVERCOMB. I am sure the Senator is facetious when he suggests that the Senator from West Virginia may have exercised influence with the President on this subject.

Mr. RUSSELL. Mr. President, there is one other question to which I wish to refer. The head of the agency said before the committee that he was not interested in enforcing social equality of the races and bringing about an intermingling of them. He said that he was interested only in equality of employment. In order absolutely to contradict

the assertion of the Chairman of the Committee, I wish to bring to the attention of the Senate two cases. When the Chairman of the F. E. P. C. was before the subcommittee of the Senate Committee on Appropriations, the Senator from Maryland [Mr. TYNDINGS] examined him in connection with a strike which had taken place at the plant of the Western Electric Co., at Point Breeze, Md., and stated as follows:

The men who were employed there wrote me a number of times, and there may be other angles to it, but they represented to me that that dispute between the colored people and the white people arose out of the fact that there were two sets of toilets, one for the Negroes and one for the white people, and in pursuance of a directive or order, or instructions that came from your department—

The Senator from Maryland dignified it by calling it a department—

to the management down there, a partition was torn down, so that both races used the same toilet. Then there was a strike in protest. As I got the picture, the colored people were perfectly willing that the partition be put back, provided, of course, they had as good facilities as the white workers enjoyed; the white workers were satisfied for the partition to be put back between the two toilets, but the partition was not put back, and a great many thousands of man-hours were lost over that seemingly incidental problem. Is that a correct statement of fact?

That was the way in which the Senator from Maryland presented the case. I shall not read all the language, but it seems practically undisputed that the company was perfectly willing to reestablish equal facilities of washrooms and toilets for both races, and install partitions where they had previously been installed.

The Committee issued an order that if the partitions were put back it would be an unfair employment practice. The Western Electric Co. had a contract for the manufacture of field telephones for the Army of the United States, and, because of the order which had been issued by the agency, it was subjected to a strike which lasted many weeks.

In case there be any question about it, I read into the RECORD the order, or opinion of the Committee.

The Committee takes the position that in the circumstances of this case, where there are frequent and temporary transfers of workers from department to department, such installing of segregated duplicate facilities cannot but lead to discriminatory employment practice.

The strike took place and lasted many weeks. The Committee never changed its rules. As nearly as I can ascertain, not based on any evidence, the War Department had to have the telephones which the Western Electric Co. was manufacturing, and the Department finally told the management to put back the partition in spite of the Committee. That is how the strike was finally settled.

There is one other case which I wish to bring to the attention of the Senate.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WHITE. Before the Senator takes up another case, may I interrupt him by a question?

Mr. RUSSELL. I yield.

Mr. WHITE. Like the Senator from West Virginia [Mr. REVERCOMB] and the Senator from Nebraska [Mr. WHERRY], I am interested in the question of the power lodged in this Committee, and the question of power asserted by the committee.

On page 178 of the printed hearings appears the following colloquy between the Senator from Georgia and Mr. Ross:

Senator RUSSELL. Did you think you had any legal right, Mr. Ross, to order a labor union and an employer to abrogate an existing contract?

Mr. Ross. That is a field where I think higher agencies have got to decide the issue. We have decided this.

Senator RUSSELL. You have decided, so far as your agency was concerned, that you do have the power to set aside existing agreements between employers and labor unions.

Mr. Ross. Yes.

Am I to understand it to be the position of Mr. Ross that the Committee has or asserts power to abrogate any existing contract, the legality of which is not questioned by any authority?

Mr. RUSSELL. There is no question about it. The Committee has assumed the power to legislate and make its own rules, and serve as a court for the trial of offenders. It also assumes the power to go to a Federal agency and have a sanction imposed upon any labor union or manufacturer which does not conform to the wishes or rules of the Committee.

Mr. WHITE. And the Committee could abrogate a contract which was not otherwise challenged as to its legality?

Mr. RUSSELL. The Committee has asserted the right to force business concerns to renegotiate contracts, not altogether for the purpose of recapturing excess profits, but for the purpose of forcing the contractor to include in the contract a clause which would give the Committee power to handle the contractor's employment and personnel problems. I do not believe there has ever been anything like it in all the history of democratic government. I have never heard of any other agency, without a line of legislation to support it, assuming any such powers as have been assumed by this agency.

Mr. WHERRY. Of course, the answer of the Senator would apply to nonwar agencies as well as to war agencies, would it not?

Mr. RUSSELL. The regulations which I have heretofore read stated that the Committee claims the power to formulate rules and regulations.

Mr. President, the case to which I have referred, involving conditions which led to a strike at Port Breeze, Md., is one of the most flagrant cases of which I know, involving an attempt to impose social views upon employers and employees.

The employer wanted to stop it by putting the partitions back. The colored people said they would be satisfied if they got equal toilet and washroom facilities with the whites. The whites said they would be perfectly willing if they got

separate toilet places; so everybody was satisfied but the Fair Employment Practice Committee. They issued an order that it was a discriminatory practice to have separate though quite equal wash-room and toilet facilities for the whites and blacks. You cannot wonder, Mr. President, that there are some people in this country who still do not believe in absolute social equality—and there are great numbers of them in my section of the country—who are very apprehensive about an organization of this kind. Even if any Senators believe in social equality, even if they believe in striking down all segregation, even if they believe in the repeal of States' laws which prevent the intermarriage of the races, even if they believe in the intermingling of the races, we must admit that this end should be sought in a lawful way and not by an Executive order agency assuming all powers to bring about such results. I venture to think that before we should uphold the Fair Employment Practice Committee we should uphold and defend the Constitution of the United States.

I refer now to the other case to which I want to call the attention of the Senate, a case where the Fair Employment Practice Committee has assumed the right to dictate and have thereby caused trouble and impeded the war effort in the desire to impose their peculiar ideas of a proper social order on the people of this country. Here is a letter addressed to the chairman of the special committee of the House of Representatives to investigate executive agencies. I shall not read it all, but I desire to read the pertinent portions. It is signed by John Hawk, secretary-treasurer and first vice president of the Seafarers International Union of North America. I understand that is a strong maritime shipping union made up of men who sail the seas. I quote from the letter Mr. Hawk wrote to the chairman of the House special committee:

I consider it an urgent obligation to direct the attention of your committee to a situation which is fast developing to a point where it may hamper the delivery of the cargoes so desperately needed by our fighting forces.

I have reference to the arbitrary, dangerous, and unrealistic interpretation being applied to the President's Executive order establishing the Fair Employment Practice Committee by a pair of starry-eyed fellow travelers heading the Atlantic coast district of the recruitment and manning organization of the War Shipping Administration.

These gentlemen, Mr. Craig S. Vincent, Atlantic coast representative of the R. M. O., and Mr. Frank Pollatsek, Chief of the R. M. O., office in New York, are insisting that the President's order is being violated in connection with the hiring of ships' crews—

Listen to this, Senators—

because our union requires that white seamen shall not be forced to eat and sleep in the same quarters with Negro seamen, and vice versa.

There is no discrimination.

Under this arrangement, each race disrespectful of the other's rights, just as prevails in the armed forces of our country.

Messrs. Vincent and Pollatsek are trying to compel our union—

They are trying to compel the union—to abandon a sound and tested policy which has resulted in harmonious relationships between Negro and white members over a period of many years. This policy, which is supported by the more than 2,000 Negroes in our membership—

It will be noted that there are 2,000 Negro members of this union—

provides for a rotary hiring-hall system, fair and equitable in every way, which enables whites to share ships' quarters with whites and Negroes with Negroes.

There is not the slightest vestige of discrimination in the running of our union. In fact, a number of our officers are Negroes. The union lives up in every regard to our section of the President's order which calls for the elimination of discrimination with relation to hire, tenure, terms or conditions of employment or union membership because of race, creed, color, or national origin.

The Negro members of our union receive the same wages and voting privileges and enjoy precisely the same working conditions as our white members.

It is this particular section of the President's order which is being twisted and distorted by Messrs. Vincent and Pollatsek to conform to certain social reformist theories which they are seeking to experiment with at the expense of the American seaman and the war effort, and in defiance of the sober judgment of practical men who have spent the greater part of their lives in the maritime industry.

If the views of these two officials are permitted to prevail—

Note these words—

If the views of these two officials are permitted to prevail—and they have the enthusiastic endorsement of every Communist and sympathizer infesting the waterfront—in other ports throughout the country they inevitably would create a state of chaos in the maritime industry in a critical hour for our country. We would see a mass exodus of trained seamen to other jobs; we would see a flare-up of race hatreds, and we would pay for all this in costly delays in the shipping of supplies and equipment to our fighting fronts.

It should be pointed out here that the R. M. O., in the Atlantic coast district, is misrepresenting or concealing the facts when it recruits boys from American homes and then tries to compel them to depart abruptly from old-time family traditions to share eating and sleeping quarters on American ships with members of another race, particularly when such condition is not at all necessary and is disruptive of, rather than helpful to, the war effort.

The interpretation which Messrs. Vincent and Pollatsek are so zealously trying to read into the President's order is a flat violation of the statement of policy which our union signed with the War Shipping Administration on May 4, 1942. This statement of policy reaffirms article 3 of the service agreement signed between general shipping agents and the War Shipping Administration and states specifically: "If the general agent has contracts with unions and those contracts require, for example, preference of employment or use of union hiring halls, the agent would be required to procure men in accordance with the contracts."

What Messrs. Vincent and Pollatsek are trying so hard to do is to disturb our existing and harmonious policy with regard to this union's hiring-hall system in order to grind their own pet reformist ax. Apparently they have no concern over the inevitable consequences.

I ask that the remainder of the letter be printed in the RECORD.

There being no objection, the remainder of the letter was ordered to be printed in the RECORD, as follows:

The views of these men also run counter to the statement of principles governing wartime policy which was signed on December 18, 1941, following negotiations by representatives of the maritime industry, the maritime unions, and the Government.

In arriving at the statement of policy it was agreed that the hiring-hall system embodied in our contracts was to be respected and not interfered with in any way. The union agreed to waive its right to strike for the duration and that pledge has been lived up to faithfully. There have been no strikes or delays on our ships since the war started.

There have been repeated instances where the R. M. O. office in New York has refused to send Negroes to our hiring hall in order to be dispatched to our contracted ships. This resulted in these ships sailing undermanned. On other occasions when our hiring hall was closed for the night or over Sunday the R. M. O. deliberately dispatched Negroes to vessels with white crews, thereby arousing protests and unnecessary ill-feeling.

Our understanding is that the R. M. O. was set up for the explicit purpose of supplementing the unions and the operators in the supplying of seamen personnel in order to prevent delays in sailings.

This is clearly a situation which calls for a thoroughgoing investigation by your committee in the interests of the American seamen and the maritime industry.

The taxpayers money which is being appropriated for the running of the R. M. O. office in New York could be agent to far more useful and constructive purposes. I am sure our Congress never intended to countenance the use of Government funds to promote theories and reforms inconsistent with American traditions and with plain ordinary common sense.

Yours very truly,

JOHN HAWK,
Secretary-Treasurer and First Vice
President of the Seafarers International Union of North America.

Mr. RUSSELL. So, we find the head of this labor union, which is composed of both whites and blacks who have long followed the practice of whites living with the whites and the blacks living with the blacks and having separate dining facilities, complaining because this Government agency is trying to force them to mix up the whites and the blacks, make them sleep together, and eat together. Mr. President, I assert in all sincerity that some of the acts of this Committee are sufficient to convince many people that they are more concerned in tearing down the existing social order and imposing their own ideals of social reform on the people of the United States than they are in any discrimination in employment or even in winning the great war in which we are now engaged. It is absolutely inexcusable to have a Government agency, created by Executive order, encouraging, under the guise of expediting the war effort, the continuance of a prolonged strike, as was done in Maryland, and interfering with the shipping on the high seas, so essential to supply the boys who have landed in Normandy, merely for the sake of imposing their own ideas of social reform and trying to bring about absolute equality

and an intermingling of the races, even when the races are satisfied with the conditions that obtain, as is the case in the instance of the Seafarers International Union.

Mr. WHERRY. Mr. President, will the Senator yield for one more question?

Mr. RUSSELL. I yield.

Mr. WHERRY. The Senator from Georgia has been very patient and I appreciate the time he has given to me and I do not wish to delay him; but I should like to have the Record made clear so far as I am concerned. I take much interest in the question at issue, and I am asking the question for information. I voted for the amendment of the Senator from Delaware [Mr. Buck] which was offered several weeks ago to one of the appropriation bills by way of authorization for this agency. I feel personally that if a person is qualified and has the ability there should be no discrimination. That, however, is not the particular point in which I am now particularly interested. In this discussion I am amazed at the power this agency has assumed. In view of the statement the Senator is making, I should like to leave for a moment the question of race out of the discussion, and say that I am surprised that any agency would assume the authority to override the right of private contract. I cannot understand where the F. E. P. C. got such authority. A contract is entered into between two parties who are perfectly satisfied, but a third party outside the contract comes in and claims a higher authority to write into the provisions of the contract the terms it sees fit.

I should like to ask one more question. Do I understand in a decision of this kind made by F. E. P. C. there is no appeal? Is the decision of the agency final? The Senator mentioned that they brought several decisions to Washington—I think the Senator said 44 cases, if I am not mistaken. Then he mentioned also in his remarks that they were referred to the President.

Mr. RUSSELL. Only two were referred to the President.

Mr. WHERRY. Is he the final authority on appeal? The Senator did not explain that.

Mr. RUSSELL. That is what I am complaining about, that we are asked to appropriate for an agency that has no legislative standard, and no limitation except that which may be imposed by the reformers who run it.

Mr. WHERRY. I understand that clearly, but I cannot conceive of any agency overriding a right of private contract, and if they do, I cannot conceive of a person not having his day in court, that he might set up his defense. Does the Senator mean to interpret this as meaning that when a case is finally appealed to the President, he exercises the authority, and renders a decision on appeal?

Mr. RUSSELL. The person who is cited has no right of appeal to the President. The President's proclamation says that when the individual refuses to carry out the order of the F. E. P. C., the F. E.

P. C. may cite him to the President; but it does not say anything about the individual having the right of appeal to the President. It is silent on that score.

Mr. WHERRY. It is a unilateral proposition?

Mr. RUSSELL. Absolutely. Being from the South, and this agency being a political question, I know that anything I might say about it would be suspect; but as many Senators know, I have for some time been working on the question of the creation of action agencies by Executive order. For the past 3 years, even before I knew there was such an agency as this, I was trying to bring these agencies under some sort of control of Congress. At the time I started on it I never conceived that any agency created by Executive order would ever assume to possess the powers this agency claims for itself, but we have it here now, and Senators may remember, when they vote, the powers they assert, and the risk they are running by entrusting American industry and business into their hands for the future.

The agency has already asserted the right to change the laws passed by Congress relating to the making of contracts. It has already asserted the right, without any act of Congress to sustain it, to cite people before it, and to use sanctions employed by other executive agencies, canceling contracts, and the like, to enforce its decrees.

In my judgment, if we put the stamp of approval upon this nebulous scheme, which has no lines of definition, which has no standards, which has no brake except its own conscience, from which there is no right of appeal, in my judgment it will likely bring about the seizure of plants in this country that are not willing to entrust questions of promotion and employment of personnel into the hands of this F. E. P. C.

I warn Senators again, in the event the Senate is so short-sighted as to approve what this agency is doing, let no man say, "I did not think they would do it"; let no man say, "I did not vote for a bill to create it," because Senators will be voting for it; instead of voting for the powers defined by the Congress, they will be voting to give this committee the right to define its own powers, as well as to enforce its own decrees.

Mr. MURDOCK. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. MURDOCK. I wish to recur to the question of the creation of the committee by Executive order. If I understood the Senator, he cited a letter from the Comptroller General. I am wondering whether he takes the position that there is anything in that letter which questions the legal authority of the President to create the committee.

Mr. RUSSELL. No; it does not question his authority to create the committee, but it says that the powers given it are directive, and not mandatory.

Mr. MURDOCK. The decision of the Comptroller General was that the regulation of this committee with reference to the inclusion of a nondiscriminatory

clause in contracts was directive and not mandatory, but that was all that decision of the Comptroller General decided, was it not?

Mr. RUSSELL. Of course, the Comptroller General did not pass on the legality of the appointment of the Committee.

Mr. MURDOCK. That is what I wanted to have made clear; he did not do that at all?

Mr. RUSSELL. Not at all. Of course, the President has the right to appoint any committee he desires to appoint. He could appoint a committee under any name he chose. But the powers assumed by the Committee are the test as to whether or not there has been an invasion of the field of the National Legislature. It is not the mere fact of the appointment of the Committee.

Mr. MURDOCK. I wanted to have it made clear in my own mind that the Senator did not cite the letter of the Comptroller General as an authority on the illegality of the creation of the Committee.

Mr. RUSSELL. No, not on the legality of the creation of the Committee, but on the actions of the Committee after it was created and the powers it had assumed.

Mr. MURDOCK. I think all the Comptroller General decided was that the regulation was not mandatory, but merely directive.

Mr. RUSSELL. I imagine that after he was overruled by the President, as he was, the Comptroller General would be slow to proceed any further.

Mr. GEORGE. Mr. President, will my colleague yield?

Mr. RUSSELL. I am glad to yield to my colleague.

Mr. GEORGE. What the Comptroller General said was that this was an extralegal organization, that it had no congressional authority, and therefore he reached the conclusion that the setting up of a committee by the President to do certain things was a mere directory act, and not mandatory.

Mr. MURDOCK. If the Senator will yield to me, I have read the letter very carefully—

Mr. GEORGE. I care not whether the Senator has read it very carefully, the Comptroller General predicated his ruling on the one word "admittedly"—admittedly there was no legal authority for this organization.

Mr. MURDOCK. He said that admittedly there was no statutory authority for it.

Mr. GEORGE. Where is the authority?

Mr. MURDOCK. If the Senator will permit me to conclude my statement—

Mr. GEORGE. I did not want the Record confused in such a way.

Mr. MURDOCK. I do not want it confused, either, and that is why I rose.

Mr. GEORGE. The Comptroller General's ruling was founded on the definite predicate that there was no legal authority for this organization, and hence that its activities and what it may

require anyone to do with respect to a contract were purely directive.

Mr. MURDOCK. If the Senator will yield, after listening to the distinguished junior Senator from Georgia, I took the pains to call the general counsel on the question as to the legality of the creation of the committee—and I was very specific—and his answer to me was, "Of course, we have not passed on that question." He said, "The only question we have passed on is the one that is referred to in the letter."

Mr. GEORGE. Oh, well—

Mr. MURDOCK. If the Senator will permit me to conclude.

Mr. GEORGE. The President can appoint a committee on education, if he desires.

Mr. MURDOCK. I understand that, but the word "admittedly" is used in this case, that admittedly there is no statutory creation of this committee, hence the decisions of the Comptroller General with reference to agencies which are created by statute are inapplicable to this situation.

Mr. RUSSELL. Oh, no.

Mr. MURDOCK. I have the letter here.

Mr. RUSSELL. I do not care what the Senator has; the Comptroller General went further in his ruling and said that he was going to assume that the President's order had the validity of a statute, which I think was a very, very broad assumption; and then, in spite of giving it that much dignity, he held it was merely directive.

Mr. MURDOCK. May we take the time to read again what he says?

Mr. RUSSELL. Yes.

Mr. MURDOCK. This is the language to which the senior Senator from Georgia refers.

Mr. RUSSELL. I also referred to it in the course of my statement.

Mr. MURDOCK. The Senator read the letter, but the language to which the senior Senator from Georgia referred is this, if I understood him:

Admittedly, the matter of the inclusion in Government contracts of antidiscrimination clauses has not been the subject of specific statutory enactment. Hence, past decisions of the accounting officers with reference to contract provisions or stipulations expressly required by act of Congress are—at most—only indirectly applicable to the instant case.

That is what the Comptroller General says. He does not say anything about the legality of the creation of the Committee.

Mr. RUSSELL. Of course, the President has a right to appoint a committee on anything he wishes.

Mr. MURDOCK. That is the point I wish to raise with the Senator. The letter was not cited as an authority from the Comptroller General that the creation of the Committee by the President was illegal.

Mr. RUSSELL. No. Of course, the President has a right tomorrow to appoint a committee on fish. He has a right tomorrow to appoint a committee to abolish poverty in the United States.

But if that committee then undertakes forcibly to distribute the wealth of the United States among the inhabitants of the United States, that is not a function which has been authorized by the Congress, and such procedure would be illegal.

Mr. MURDOCK. I am not quarreling with the Senator's statement about that matter. I have no quarrel with what the Senator has said concerning what the Committee has done. The only reason I rose was to clear up the point of the legality of the creation of the Committee, and I think the Senator has very emphatically cleared it up.

Mr. RUSSELL. The President has a right to appoint a committee. He has a right to appoint any committee he wishes to appoint, but it is my contention that as Chief Executive of the United States he does not have the power to vest in the F. E. P. C. the powers which this agency attempts to assert. That is my position.

Mr. GEORGE. Mr. President, I merely wish to make it clear that the mere appointment of a certain number of men and calling them a committee is, of course, something that any executive officer may do. Even a private citizen may do it. But when we consider the powers which the Committee is trying to exercise, and which the Executive has given the Committee to exercise, and then read the Comptroller General's letter, there is no way to escape the conclusion that this agency is extralegal, and, therefore, decisions by the courts construing acts of agencies created under authority of the legislative branch of the Government have little or no effect.

Mr. RUSSELL. My complaint has not been that the appointment of the Committee per se was an illegal act. My complaint is that it was sought to vest in the Committee that was appointed powers which do not reside in the Executive, and that the Committee has even sought to exercise powers which were extraneous to the powers conferred by the President, and in excess of the powers sought to be conferred by the President.

Mr. MURDOCK. Mr. President, will the Senator yield again?

Mr. RUSSELL. I yield.

Mr. MURDOCK. Let us assume for the sake of the argument that the creation of the Committee was illegal and has no basis in law. Then I ask the question: Would the Comptroller General of the United States have the power to refuse the payment of the salaries of the personnel of the Committee?

Mr. RUSSELL. I do not know about that; I do not think that issue has been presented.

Mr. MURDOCK. Nor do I know, but that was a question in my mind.

Mr. RUSSELL. I do not know how that issue could be presented or how it could come up. Until this good day the Committee have been paid out of a fund which has been made available to the President of the United States for him to expend for emergency purposes.

Mr. MURDOCK. A fund appropriated by the Congress.

Mr. RUSSELL. Oh, yes; Congress appropriated an emergency fund for the President. We cannot absolve ourselves of that, and properly we should give the President an emergency fund. If he chooses to use it to pay committees of this kind, that is his responsibility; the responsibility is not that of Congress which appropriated the funds. But when we appropriate for the Committee directly, as we are asked now to do, we approve every act it has done. When we stamp with the congressional seal every rule and regulation which the Committee has adopted, when we turn the Committee into the still broader fields that it is even now viewing in anticipation of invading after the Congress gives it the proposed appropriation, then it will be our responsibility, and I say to Senators now that if they vote for the proposed appropriation, if they let the Committee continue with the powers it has already asserted, there will be many times in the future when Senators will have occasion to regret their votes by reason of actions taken by the Committee.

Mr. President, there is no doubt from the criticism we hear from the news commentators, from the criticism we read in the newspapers, from the way that the people in the country are talking today, that the prestige of Congress is just about at as low an ebb as it ever has been in the history of the Republic. Many Members of the Congress have been somewhat bewildered by the mounting tide of criticism which is directed at this body. The charge has been made that there is a deliberate scheme to belittle if not to destroy the prestige and power of the people's representatives. I have resented this drive on Congress, and through the efforts I have made, feeble though they may have been, to bring back these congressional powers into the hands of the Congress, I have sought to avoid any basis for these charges. But if we are candid, Mr. President, we must admit that we are not altogether free from blame for this criticism. Since we have been put on trial we have offered a rather poor defense, and if we approve this provision our defense will be pitiful; in fact, if we approve the agency and legislate in this haphazard way we will plead guilty to every charge that has been made, and will stand naked and defenseless in the presence of our accusers. We have done little to demonstrate the political courage and independence in recapturing the powers of Congress which the people of the Republic have the right to expect of their sworn representatives. We will not be able forever to take refuge in excuses nor to blame on others the responsibility that lies at our own door for some of the conditions.

Mr. President, if we approve in this haphazard fashion a creature of Executive order operating in these nebulous fields and asserting the vast powers that it claims to possess, if we have not the courage to defend the legislative system

of the United States by rejecting this proposal in an appropriation bill to approve these far-reaching powers, then the Congress of the United States, and more particularly the Senate of the United States, will amply deserve any criticism and all condemnation that may be heaped upon it from any source.

Mr. MAYBANK obtained the floor.

Mr. MURDOCK. I make the point of no quorum.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Utah for that purpose?

Mr. MAYBANK. I yield to the distinguished Senator from Utah for that purpose.

Mr. MURDOCK. I make the point that there is not a quorum present.

The PRESIDING OFFICER (Mr. McFARLAND in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

During the calling of the roll,

Mr. MURDOCK. Mr. President, I suggested the absence of a quorum at the request of the Senator from New Mexico [Mr. CHAVEZ], who was not present in the Chamber. I have since talked with him, and he has stated that if the vote is to go over until Monday, and the debate is not to be closed, he does not desire to speak this evening. So I ask unanimous consent that further proceedings in connection with the call of the roll be dispensed with.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. McKELLAR. Mr. President, I wish to say to the Senator from Utah that the Senator from New Mexico [Mr. CHAVEZ] is engaged in a conference in the Appropriations Committee room.

Mr. CHAVEZ entered the Chamber.

Mr. McKELLAR. I see that the Senator from New Mexico has just entered the Chamber. He and I have both been busy all afternoon in a conference.

Does the Senator from New Mexico desire to speak this afternoon?

Mr. CHAVEZ. Mr. President, I am engaged in a conference.

Mr. McKELLAR. Under the circumstances, then, Mr. President, I shall move that the Senate proceed to the consideration of executive business.

Mr. CONNALLY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. What happened to the roll call?

The PRESIDING OFFICER. By unanimous consent, further proceedings in connection with the roll call were dispensed with.

Mr. CHAVEZ and Mr. MAYBANK addressed the Chair.

Mr. McKELLAR. Mr. President, I shall withhold my motion to proceed to the consideration of executive business.

Mr. CHAVEZ. Mr. President, it is my understanding that when the Senate takes a recess today, it will reconvene on Monday.

Mr. McKELLAR. I shall move that the Senate take a recess until 12 o'clock noon on Monday.

Mr. CHAVEZ. And the pending business will be the question which has been before the Senate this afternoon?

Mr. McKELLAR. That is true; and the Senator can speak then.

Mr. MAYBANK. Mr. President, at the conclusion of the remarks of the distinguished Senator from Georgia [Mr. Russell] he yielded the floor and I was recognized. I merely wish to make one statement.

The civil-service laws and regulations of the United States Government cover the activities of the Fair Employment Practice Committee, so far as the laws of Congress with which I am familiar can cover them. Therefore, there is no need for it. It is my opinion that this is the beginning of a drive, not for fair employment practices in the Government agencies, but to take over the employment and promotion of employees in all private agencies and private business in all the States in the United States of America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4204) making appropriations for the Departments of State, Justice, and Commerce, for the fiscal year ending June 30, 1945, and for other purposes, and that the House still further insisted upon its disagreement to the amendment of the Senate numbered 10 to the bill.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4414) making appropriations for the legislative branch and for the judiciary for the fiscal year ending June 30, 1945, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 31 to the bill, and concurred therein; that the House receded from its disagreement to the amendment of the Senate numbered 35 to the bill and concurred therein with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendment of the Senate numbered 34 to the bill.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4899) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1945, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HARE, Mr. TARVER, Mr. THOMAS of Texas, Mr. ANDERSON of New Mexico, Mr. ENGEL of Michigan, Mr. KEEFE, and Mr. H. CARL ANDERSEN were

appointed managers on the part of the House at the conference.

The message also announced that the House had passed a joint resolution (H. J. Res. 298) making appropriations for grants to States under the Social Security Act, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 298) making appropriations for grants to States under the Social Security Act was read twice by its title and referred to the Committee on Appropriations.

EXECUTIVE SESSION

Mr. McKELLAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. McFARLAND in the chair) laid before the Senate messages from the President of the United States, which were referred to the appropriate committees or ordered to lie on the table.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. GEORGE, from the Committee on Finance:

A. Miles Pratt, of New Orleans, La., to be collector of customs for customs collection district No. 20, with headquarters at New Orleans, La. (Reappointment.)

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE NAVY

The legislative clerk read the nomination of William S. Pye to be vice admiral on the retired list, when retired on July 1, 1944.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. McKELLAR. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That concludes the calendar.

Mr. McKELLAR. I ask that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

INTERNATIONAL AGREEMENT FOR THE REGULATION OF WHALING

Mr. WHITE. Mr. President, I invite attention to the fact that there are on the Executive Calendar two treaties reported from the Foreign Relations

Committee. I wonder if the chairman of the committee desires to proceed with their consideration this afternoon?

Mr. CONNALLY. I shall be very glad to have the Senate proceed with the consideration of the treaty with respect to which the Senator from Maine acted as chairman of the subcommittee.

Mr. WHITE. Mr. President, there is on the Executive Calendar Executive D, Seventy-eighth Congress, second session, a protocol signed at London on February 7, 1944, which amends in certain particulars an existing international agreement for the conservation of whales and the regulation of the whaling industry. I ask that it be laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the protocol, Executive D (78th Cong., 2d session), a protocol signed at London on February 7, 1944, for the United States of America, the Union of South Africa, the Commonwealth of Australia, the United Kingdom of Great Britain and Northern Ireland, Canada, New Zealand, and Norway, amending in certain particulars the international agreement for the regulation of whaling signed at London, June 8, 1937, as amended by the protocol signed at London on June 24, 1938, which was read the second time, as follows:

PROTOCOL

THE Governments of the Union of South Africa, the United States of America, the Commonwealth of Australia, the United Kingdom of Great Britain and Northern Ireland, Canada, Eire, New Zealand and Norway,

Being parties or signatories to the International Agreement for the Regulation of Whaling signed at London on the 8th June, 1937 (hereinafter referred to as the Agreement of 1937), and to the Protocol signed at London on the 24th June, 1938, introducing certain amendments into the Agreement of 1937 (hereinafter referred to as the Protocol of 1938); and

Desiring, in view of the fact that pelagic whaling operations in the area to which Article 7 of the 1937 Agreement applies have been interrupted for a considerable period by the existence of hostilities and in order to meet the present emergency without prejudicing the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary with regard to pelagic whaling in this area when whaling operations are resumed there:

Have agreed as follows:—

ARTICLE 1

(i) The period fixed by Article 7 of the Agreement of 1937, during which factory ships or a whale catcher attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the first season in which whaling operations are resumed in the area referred to in the said Article 7, so as to cover the period from the 24th November to the 24th March, both dates inclusive.

(ii) Each Government party to the present protocol shall give notice to the Government of the United Kingdom when whale factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined in Article 7 of the Agreement of 1937. The Government of the United Kingdom will inform the other Governments party to the present protocol of all notices received under this paragraph and shall itself similarly give notice to the other contract-

ing Governments if whale factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

(iii) For the purposes of paragraph (i) of this article the first season in respect of which any notice has been given under paragraph (ii) above, shall be deemed to be the first season in which whaling operations are resumed. This season is hereinafter referred to as "the first season."

ARTICLE 2

The provisions of Article 1 of the Protocol of 1938 relating to the taking of humpback whales in any waters south of 40 degrees south latitude shall apply during the first season.

ARTICLE 3

(i) During the first season, the number of baleen whales caught in the area referred to in Article 7 of the 1937 Agreement shall not exceed 16,000 blue whale units.

(ii) For the purposes of paragraph (i) of this article, blue whale units shall be calculated on the basis that one blue whale equals—

- (a) 2 fin whales, or
- (b) 2½ humpback whales, or
- (c) 6 sei whales.

(iii) The Government of the United Kingdom shall consult all the Governments who have given notice under Article 1 (ii) of this agreement in order to arrange by co-operation and agreement the measures necessary to ensure that the total number of baleen whales caught during the first season does not exceed the number specified in paragraph (i) of this article.

ARTICLE 4

In the absence of agreement to the contrary none of the provisions of the present protocol shall operate except in the first season.

ARTICLE 5

The present protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom.

ARTICLE 6

(i) The present protocol shall be open to accession on behalf of any Government which was a party to the 1937 Agreement and has not signed the present protocol.

(ii) Accession shall be effected by means of a notification addressed to the Government of the United Kingdom.

ARTICLE 7

(i) The Government of the United Kingdom shall inform the Governments of the United States of America, Canada, Eire, Mexico, New Zealand and Norway of all ratifications of this protocol or accessions thereto.

(ii) The present protocol shall come into force as soon as ratifications or accessions have been deposited on behalf of all Governments referred to in paragraph (i) of this article and of the Government of the United Kingdom.

(iii) The ratification of or accession to the present protocol by a Government which is a signatory but not a party to the Agreement of 1937 shall not become effective until such Government becomes a party to that agreement by ratification.

In witness whereof the undersigned plenipotentiaries, being duly authorised to this effect by their respective Governments, have signed the present protocol and affixed thereto their seals.

Done at London this 7th day of February, 1944, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom by whom certified copies will be transmitted to all the Governments referred to in Article 7 (i).

For the Government of the Union of South Africa:

[L. s.] DENEYS REITZ.

[L. s.] A. P. VAN DER POST.

For the Government of the United States of America:

[L. s.] LOYD V. STEERE.

For the Government of the Commonwealth of Australia:

[L. s.] S. M. BRUCE.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

[L. s.] A. T. A. DOBSON.

[L. s.] J. E. DE WATTEVILLE.

For the Government of Canada:

[L. s.] VINCENT MASSEY.

For the Government of Eire:

For the Government of New Zealand:

[L. s.] W. J. JORDAN.

For the Government of Norway:

[L. s.] BIRGER BERGERSEN.

Mr. WHITE. Mr. President, so far as I know there is no controversy with respect to this matter. The protocol was referred to a subcommittee composed of the present speaker, the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Iowa [Mr. GILLETTE]. The subcommittee gave such study as it could to the problems involved and to the previous agreements on the same subject, and joined in a report to the full committee. In turn the full committee unanimously reported the protocol favorably to the Senate.

In its over-all purpose—and I have already hinted at this—it is a conservation measure, designed to preserve and perpetuate the various species of whales which are found in the waters of the world. As I say, we regard it as a conservation measure. It is urged by all the departmental authorities having to do with the subject matter. The protocol was signed at London on February 7, 1944.

Unless there is a desire on the part of any Senator to discuss the question, I ask that the protocol be reported to the Senate.

THE PRESIDING OFFICER. The protocol is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment to be proposed, the protocol will be reported to the Senate.

The protocol was reported to the Senate without amendment.

THE PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D, Seventy-eighth Congress, second session, a protocol signed at London on February 7, 1944, for the United States of America, the Union of South Africa, the Commonwealth of Australia, the United Kingdom of Great Britain and Northern Ireland, Canada, New Zealand, and Norway, amending in certain particulars the International Agreement for the Regulation of Whaling signed at London June 8, 1937, as amended by the protocol signed at London on June 24, 1938.

THE PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the protocol is ratified.

RECESS TO MONDAY

Mr. McKELLAR. Mr. President, if there is no other business, as in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until Monday, June 19, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 16 (legislative day of May 9), 1944:

NATIONAL MEDIATION BOARD

Frank P. Douglass, of Oklahoma, to be a member of the National Mediation Board for the remainder of the term expiring February 1, 1946, vice William M. Leiserson.

SUPREME COURT OF PUERTO RICO

Rafael Bosch, of Puerto Rico, to be an associate justice of the Supreme Court of Puerto Rico, vice Hon. Martin Travieso, elevated.

UNITED STATES ATTORNEY FOR ALASKA

Frank C. Bingham, of Alaska, to be United States attorney for division No. 2 of Alaska, vice Charles J. Clasby, resigned.

PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

J. Francis Reilly, of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for the term of 3 years from July 1, 1944.

This is to correct the nomination sent to the Senate on May 29 and confirmed on June 8, 1944.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16 (legislative day of May 9), 1944:

IN THE NAVY

RETIRED LIST

William S. Pye to be placed on the retired list, when retired on July 1, 1944, with rank of vice admiral, pursuant to an act of Congress approved June 16, 1942.

IN THE MARINE CORPS

APPOINTMENTS IN THE MARINE CORPS

To be second lieutenants

Richard E. Maulsby	Grover C. Williams, Jr.
Alexander M. Hearn	Gerald G. Kirby
Frank H. Simonds	Charles E. Walker
Robert H. Barrow	Raoul J. Archambault
Earl F. Stanley	

WITHDRAWAL

Executive nomination withdrawn from the Senate June 16 (legislative day of May 9), 1944:

IN THE ARMY

TO BE MAJOR GENERAL, ARMY OF THE UNITED STATES

Brig. Gen. Jay Ward MacKelvie.

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 16, 1944

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord of all power and might, our failures and sins often sadden us. We pray Thee to renew a right spirit within us that our daily lives may be modeled after Thine; Thou who came not to be ministered unto but to minister. O make us more ready to extend our lengthening and protecting shadows over those who have stumbled and fallen and upon whom the sun's burning rays have fiercely beaten: "Inasmuch as ye have done it unto one of the least of these, ye have done it unto Me."

We take refuge in the hope and promise of freedom from wrong desire and peace from the fierce oppression within. Thou whose light is more than the sun and stars, whose plenitude of mercy sends the warm blood of nourishment coursing through the boundless universe, Thou art our eternal home. We pray that the Lord Jesus may be with us as our cares waste us, as the way of the world thunders at our faith and the battle goes on, leaving us sore oppressed; O we may be more than conquerors. O let us stand with the prophets who cried in the unknown land, who pled on the thunder-shaken mountain and prayed in the valley of loneliness and indecision. O fill us with Thy spirit that we may discern and have a measure of Thy royalty and be armed and guided in the path of the perfect day. In our Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 4899. An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1945, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCARRAN, Mr. McKELLAR, Mr. RUSSELL, Mr. BANKHEAD, Mr. TRUMAN, Mr. WHITE, and Mr. REED to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4183) entitled "An act making appropriations for the fiscal year ended June 30, 1945, for civil functions administered by the War Department, and for other purposes."

The message also announced that the Senate further insists upon its amendments Nos. 1, 3, 5, 7, 8, and 9 to the foregoing bill, disagreed to by the House, asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THOMAS of Oklahoma, Mr. HAYDEN, Mr. OVERTON, Mr. RUSSELL, Mr. BAILEY, Mr.

REYNOLDS, Mr. BRIDGES, Mr. GURNEY, and Mr. BROOKS to be conferees on the part of the Senate.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks in two instances, in one to include a short editorial and in the other to include a statement received from the War Food Administration.

The SPEAKER. Is there objection? There was no objection.

Mr. MURRAY of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the Memphis (Tenn.) Commercial Appeal.

The SPEAKER. Is there objection? There was no objection.

Mr. POULSON. Mr. Speaker, I ask unanimous consent to extend my remarks and insert two editorials and an article in the Appendix.

The SPEAKER. Is there objection? There was no objection.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article by Arthur Krock on the effect of the Dirksen amendment which the House adopted on day before yesterday.

The SPEAKER. Is there objection? There was no objection.

Mr. JEFFREY. Mr. Speaker, I ask unanimous consent to extend my remarks and include a copy of a signed statement and copies of three affidavits.

The SPEAKER. Is there objection? There was no objection.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks and include a fine editorial on the flag published in the Pater-son (N. J.) Evening News.

The SPEAKER. Is there objection? There was no objection.

Mr. RODGERS of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks and include a Flag Day address written by Senator DAVIS in my congressional district.

The SPEAKER. Is there objection? There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial on Lindbergh which appeared in the Washington Times-Herald yesterday morning.

The SPEAKER. Is there objection? There was no objection.

CALL OF THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently no quorum is present.

Mr. COCHRAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 92]

Arnold	Bloom	Burdick
Baldwin, Md.	Boren	Cannon, Fla.
Bell	Bradley, Mich.	Capozzoli
Blackney	Brumbaugh	Carlier
Bland	Buckley	Case